

J59AAKOU1

Jury Trial

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA

5 v.

17 CR 417 (AKH)

6 ALI KOURANI,

Jury Trial

7 Defendant.

8 -----x
9 New York, N.Y.
10 May 9, 2019
11 10:00 a.m.

12 Before:

13 HON. ALVIN K. HELLERSTEIN

14 District Judge

15 APPEARANCES

16 GEOFFREY S. BERMAN
17 Interim United States Attorney for the
18 Southern District of New York
19 AMANDA L. HOULE
20 EMIL J. BOVE III
21 Assistant United States Attorneys

22 ALEXEI SCHACHT
23 Attorney for Defendant

24 ALSO PRESENT: KERI SHANNON, Special Agent FBI
25 MARGARET SHIELDS, Paralegal, US Attorney's Office

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Shannon - Cross

1 (Trial resumed; Jury present)

2 (Jury present)

3 THE COURT: Good morning, everyone. Be seated.

4 Ms. Shannon, you remain under oath and Mr. Schact is
5 ready for his cross-examination.

6 CROSS-EXAMINATION

7 BY MR. SCHACHT:

8 Q. Good morning, Agent Shannon.

9 A. Good morning, sir.

10 Q. Do you remember yesterday we looked at an exhibit?

11 MR. SCHACHT: Would you please put up Government
12 Exhibit 804 when you can.

13 Do you remember yesterday we looked at that exhibit?

14 A. Yes.

15 Q. And you testified that a colleague of yours took this
16 photo; is that correct?

17 A. That's correct.

18 Q. Do you know if your colleague has that chip that we see in
19 the photo or the FBI has it?

20 A. That was not seized, no.

21 Q. Do you know if a copy was made of it?

22 A. No copy was made.

23 Q. Yesterday do you recall testifying that the FBI had been
24 listening to Ali Kourani's telephone; do you remember saying
25 that?

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1 A. Yes.

2 Q. Do you know for what period of time approximately the FBI
3 was listening to his telephone?

4 A. Approximately, 2014 to 2016.

5 Q. You'd also mentioned that the FBI had been monitoring his
6 e-mails. Was that approximately for the same period of time?

7 A. That's correct.

8 Q. And was the FBI also monitoring his text messages?

9 A. Yes.

10 Q. Same timeframe, roughly?

11 A. Roughly.

12 Q. And were you also monitoring any of his encrypted
13 applications such as "What's App"?

14 A. Yes.

15 Q. Same timeframe again?

16 A. Yes, sir.

17 Q. You'd also testified yesterday that you had spoken to
18 witnesses about my client; do you remember saying that?

19 A. Yes.

20 Q. If you know the answer, how many witnesses, roughly, did
21 you and other FBI agents speak to about my client?

22 MR. BOVE: Objection.

23 THE COURT: Sustained.

24 Q. How many witnesses did you personally speak to about my
25 client?

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1 A. Maybe, approximately, eight.

2 Q. And was that also in the 2014 to 2016 time period or a
3 different time period?

4 A. A different time period.

5 Q. What time period was that?

6 A. The interviews that I conducted would have been between the
7 time periods of 2016 and; 17.

8 Q. And in what year did you become an FBI agent?

9 A. 2013.

10 Q. Do you remember yesterday we looked at a photo of someone
11 that you identified as Majed Abdullah, I believe?

12 A. Yes.

13 Q. And that was the man whose photo you'd left on the desk
14 during one of the interviews, right?

15 A. Yes.

16 Q. By the way, these interviews that you had with my client at
17 Seton Hall Law School, they were not electronically recorded to
18 your knowledge, were they?

19 A. No.

20 Q. That man, Mr. Abdullah, he appears, does he not, on the
21 website that you talked about yesterday "Stop 910"?

22 A. I'm not certain if Majed Abdullah is on that website or
23 not.

24 Q. The first time you met my client was at the airport where
25 you and Agent Ganci interviewed him; is that right?

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Shannon - Cross

1 A. Yes. It's the first time I spoke with him.

2 Q. And do you recall that Agent Ganci testified about my
3 client being annoyed?

4 THE COURT: You weren't present, right?

5 Sorry for interfering.

6 MR. SCHACHT: No problem. Thank you, judge.

7 Q. Do you remember hearing Agent Ganci testifying that my
8 client was upset or concerned that he'd lost his job?

9 A. I remember Agent Ganci talking about that.

10 Q. Do you recall that yourself from your own memory at the
11 airport?

12 A. Yes.

13 THE COURT: What date are we talking about,
14 Mr. Schact? Put it in a question.

15 BY MR. SCHACHT:

16 Q. I think that was in September of 2016?

17 A. It was September 12, 2016.

18 Q. And on that day you interviewed my client at the airport?

19 A. I did.

20 Q. And he'd said to you that he was upset because he'd lost
21 his job with a chain of cellphone stores; is that right?

22 A. I think he said something to that effect.

23 Q. During the meetings that you had at Seton Hall Law School
24 with my client, would it be fair to say that he repeatedly was
25 pressing you to get his family members to the United States?

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1 A. Yes.

2 Q. And that he was asking for deadlines or guarantees of when
3 you could do that; is that fair to say?

4 A. Yes.

5 Q. And early on you gave him certain approximations of when it
6 might be possible to do that; is that fair to say?

7 A. Yes.

8 Q. And do you recall with regard to his children what
9 approximation you gave him?

10 A. We told the defendant that if his information was truthful,
11 honest and valuable, we'd do our best to followthrough with
12 helping him out by the end of the summer of 2017.

13 Q. And with regard to his children, what exactly did you mean
14 by "helping him out"?

15 A. As we had explained to him, his children were in Canada, so
16 that would have required FBI and the United States government
17 coordinating or speaking with the Canadian government. And so
18 that's what we meant, that we would pass along his requests and
19 that information to our supervisors to do what they were able
20 to in terms of speaking with the Canadian government.

21 Q. And you understood from speaking to him and your
22 investigation that he and his wife were having their marriage
23 dissolved essentially, right?

24 A. He said they were having marital issues. I'm not sure of
25 the status of the marriage.

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Shannon - Cross

1 Q. Well, the reason the kids were not coming to the United
2 States -- the children are U.S. citizens, right?

3 A. Yes, they are.

4 Q. So, the reason they were not coming to the United States
5 was because their mom wasn't allowing them to go, right?

6 A. I don't know the reason.

7 Q. Did you ask what the reason was?

8 A. I don't recall ever asking that particular question.

9 Q. Before you became an FBI agent you were a civil lawyer,
10 right? You said "civil litigator"?

11 A. Yes.

12 Q. And you know that if the mom of the children doesn't want
13 the kids to go to the United States in fact, there was nothing
14 the FBI could do to get the children to come here, right?

15 A. I'm not familiar with any of that based on my practice of
16 law. I did not practice family law.

17 Q. If you didn't practice family law, then why did you tell
18 him you might be able to get his children there in a short
19 period of time?

20 A. We didn't tell him that.

21 Q. I thought you just said that you gave him a rough
22 estimation of the end of the summer you might be able to get
23 his children to the United States?

24 A. We said "we might be able to help".

25 Q. Why did you say you might be able to help if you don't know

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1 anything about the law or the situation?

2 A. I was personally not going to be the one coordinating that.
3 That was information that we were going to pass to our
4 supervisors and people much higher than us in our government.

5 Q. Well, did you say to him "I don't know anything about the
6 law or the facts and I don't really know if I can help you but
7 I'll pass along your requests"? You didn't say that, right?

8 A. No.

9 Q. You gave him the impression that you might be able to help
10 him, right?

11 A. Yes.

12 Q. And the reason you gave him that impression, you wanted him
13 to be truthful with you, right?

14 A. We wanted him to be truthful with us, yes.

15 Q. And you wanted to seem as if you could help him, right?

16 A. I didn't want to seem like anything.

17 Q. Well, didn't you want to seem honest?

18 A. I am honest.

19 Q. And you want to seem that way also, right?

20 A. Yes.

21 Q. And so, when you were speaking to him you wanted to seem
22 honest to him?

23 A. Yes.

24 Q. But if you were fully honest with him wouldn't you have
25 said, I don't know if I can actually do anything to help you?

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1 A. No.

2 Q. So, your definition of honest with my client is giving him
3 a deadline or an approximation of when you can do something
4 that you have no idea if you can do it?

5 THE COURT: Sustained as argument.

6 You can't argue with a witness.

7 MR. SCHACHT: Fair enough, judge.

8 Q. Do you recall Government Exhibit 221?

9 MR. SCHACHT: When you have a moment if you could
10 please put up Government Exhibit 221.

11 (Pause)

12 Q. Do you recall that document, the notes of then lawyer Mark
13 Denbeaux that was given to you at the meeting?

14 A. I do, sir.

15 Q. When Mark Denbeaux gave you that set of notes, you
16 testified that you and Agent Costello stepped outside of the
17 room; is that right?

18 A. Yes.

19 THE COURT: Is it fair to call these "notes" rather
20 than "memorandum".

21 MR. SCHACHT: I could just call it a document.

22 THE COURT: I think it's a memorandum.

23 MR. SCHACHT: Sure.

24 Q. When you were given this memorandum you stepped outside and
25 you looked at it, right?

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1 A. Yes.

2 Q. And you saw that in the second line Mr. Denbeaux said --

3 MR. SCHACHT: If you don't mind, please, if you could
4 zoom-in on the top two lines numbered one and two.

5 Thank you so much.

6 Q. -- that Mr. Denbeaux told you in writing in my client's
7 presence that it was agreed between you that my client had
8 committed no crime and faces no prosecution; you read that at
9 the time, right?

10 A. I did.

11 Q. And then after you and Agent Costello read it you returned
12 to the room where Mark Denbeaux and Ali Kourani were seated,
13 right?

14 A. Yes.

15 Q. And if I recall what you said yesterday, you said that you
16 then said nothing about this document to them; is that right?

17 A. Nobody said anything about the document.

18 Q. And in your mind you thought, I didn't agree to anything
19 like what's in number two, right?

20 A. Right.

21 Q. Did you think that was honest of you not to correct the
22 misimpression of Mark Denbeaux and Ali Kourani?

23 A. Yes.

24 Q. You thought that was honest; that's your testimony?

25 A. Yes.

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1 Q. OK. Do you recall my client testifying about being driven
2 to get some military training somewhere in Lebanon?

3 A. At what time period, sir?

4 Q. Well, how many time periods did my client tell you about
5 doing that?

6 A. He talked about two different military type trainings; one
7 in 2000 and one in 2011.

8 Q. And on both of those occasions, according to what he told
9 you, did he have some kind of mask or something over his head
10 so he couldn't see where he was going?

11 A. In 2011.

12 Q. And in 2000 do you recall did he mention anything about
13 having his head covered or he didn't say?

14 A. He did not mention having his head covered at that
15 training.

16 Q. Do you recall that my client at gun point was asking you
17 and Agent Costello to assist him in getting a job; you recall
18 that, right?

19 A. Yes.

20 Q. And in fact, yesterday we saw that he'd sent Agent Costello
21 a couple of his resumes; is that right?

22 A. Yes.

23 Q. And that was unsolicited. You didn't ask him or Agent
24 Costello in your presence didn't ask for those resumes, right?

25 A. Right.

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1 Q. And this was after my client had told you that he was a
2 member of Hezbollah, right?

3 A. Yes.

4 Q. In your experience as an FBI agent, did it strike you as
5 odd that a person that told you they were a member of a
6 terrorist organization would seek your help in getting a job?

7 A. Yes.

8 Q. And he also asked for your assistance in getting an
9 apartment in a highrise doorman building in Manhattan?

10 A. Yes.

11 Q. I assume that seemed odd to you also, right?

12 A. Yes.

13 Q. Do you recall that my client told you at one point that he
14 had done his own independent research on how to resist or
15 handle interrogations?

16 A. Yes, he did say that.

17 Q. Were there any other benefits, for lack of a better word,
18 other than the job, the visas for his relatives and the
19 highrise doorman building apartment that he asked you and Agent
20 Costello for?

21 A. He also specified he wanted a job that was paying \$120,000
22 a year.

23 Q. And I assume based on your previous answers that someone
24 who has just told you they belong to terrorist organizations,
25 that would be strange for them to ask you for a job like that,

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1 right?

2 A. Yes.

3 MR. SCHACHT: When have you a chance, if you could
4 please put Government Exhibit 172 on the screen please. Thank
5 you.

6 Q. Now, this is a picture of one of the checks that was
7 recovered from my client's apartment, right?

8 A. Yes.

9 THE COURT: I don't think it's in evidence yet.

10 MR. BOVE: It is, your Honor.

11 Q. And it's for a company obviously called Broadway Sportswear
12 Incorporated on 27th Street, right?

13 A. Yes.

14 Q. And you knew from talking to my client that he had a
15 clothing store on 27th Street in Manhattan, right?

16 A. Yes.

17 Q. And so when he talked to you about walking passed that
18 armory on 23rd Street on his way to work, he was talking about
19 his work at Broadway Sportswear on 27th Street here in
20 Manhattan, right?

21 A. He didn't specify which location he was going to for work.

22 Q. OK. But you knew he worked on 27th at a clothing store,
23 right?

24 A. Yes.

25 Q. And you knew that the armory was on 23rd Street?

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Shannon - Cross

1 A. Yes.

2 Q. And you knew from your investigation, is it fair to say,
3 that he was selling counterfeit clothing on 27th Street here in
4 Manhattan?

5 A. Yes.

6 Q. And you knew that he had actually been arrested at one
7 point for possessing or for selling counterfeit clothing,
8 right?

9 A. Yes.

10 MR. SCHACHT: Please switch to Government Exhibit 173.

11 Thank you so much.

12 Q. And that was another check-off for a new spot Fashion Inc.
13 which was also found in his apartment, right?

14 A. Yes.

15 MR. SCHACHT: Thank you. You can take that down.

16 Q. And do you recall questioning him about the trip to China
17 he made shortly after he became a citizen, right?

18 A. Yes.

19 Q. And you testified yesterday he said that he had gone to
20 China or he said for business reasons, right, that's what he
21 said?

22 A. Yes.

23 Q. But wasn't he more specific than that? Didn't he say that
24 he was going there to get counterfeit clothing?

25 A. He didn't say he went there to get counterfeit clothing,

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Shannon - Cross

1 no.

2 Q. Do you recall one of the meetings at Seton Hall Law School
3 occurred on April 5, 2015. That was one of the days I think,
4 right?

5 A. Yes, it was.

6 Q. And do you remember that on that day he actually broke down
7 and was crying and you had to stop the meeting for a few
8 minutes so he could collect himself?

9 A. Yes.

10 Q. And the reason he was crying, it appeared that he was upset
11 about his kids, right? Isn't that the topic that was being
12 discussed when he started crying?

13 A. Yes.

14 Q. And he was upset that they weren't here or he don't see
15 them, reasons of that sort; is that right?

16 A. Yes.

17 THE COURT: Can I see counsel for a minute?

18 (Continued on next page)

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Shannon - Cross

1 (side bar)

2 THE COURT: Mr. Schact, the question you asked about
3 the armory on 23rd Street --

4 MR. SCHACHT: Yeah.

5 THE COURT: I assume you are referring to the 69th
6 Regiment which is on 25th and 26th and Lexington.7 MR. SCHACHT: I may have misspoken, yeah. There's
8 only one Armory there on the --

9 THE COURT: I'll just tell the jury.

10 (In open court)

11 Members of the jury, you heard a question referring to
12 an armory on 23rd Street. There isn't any on 23rd Street. The
13 closest one is the 69th Regiment Armory which is located
14 between Park and Lexington between 25th and 26th Street.

15 MR. SCHACHT: Thank you for that, judge.

16 THE COURT: I know that because that's where the
17 Knickerbockers started their teams and those were their first
18 games. As a kid I went to that armory.

19 BY MR. SCHACHT:

20 Q. My question was that --

21 THE COURT: He asked if in fact an armory located on
22 Lexington Avenue and Park Avenue and 25th and 26th Street was
23 closer to the defendant's place of work than what had been
24 suggested in the previous question. And the answer was "yes".

25 MR. SCHACHT: Thank you, your Honor.

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Shannon - Cross

1 Q. Special Agent Shannon, do you recall my client telling you
2 that he would utilize his computer and cellphone to check for
3 e-mails from Fadi?

4 A. I remember him talking about his e-mail.

5 Q. And he would check his e-mail for e-mails from this person
6 called "Fadi", right?

7 A. Yes.

8 Q. And when he was talking about that e-mail he was talking
9 about the Ali.M.kourani@GMail account that we've seen a lot of,
10 right?

11 A. That account and Alikoukou@hotmail.com.

12 Q. And in addition he told you about a lot of other e-mail
13 accounts that he had that are connected to the clothing
14 business; is that right?

15 A. Yes.

16 Q. If you recall, was one of them called
17 Jacob'sFashion@hotmail.com?

18 A. Yes.

19 Q. And one was called Jacob.Kourani@GMail.com?

20 A. Yes, I believe so.

21 Q. One was called WMC@sportmail@GMail.com?

22 A. Yes, I believe so.

23 Q. By the way, did you find any e-mails from Fadi?

24 A. Yes.

25 MR. SCHACHT: And what exhibit number is that?

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Shannon - Cross

1 THE COURT: Why don't you and counsel for the
2 government agree on whatever it was. You can't ask a witness
3 to remember what numbers --

4 Q. Well, what does the e-mails say from Fadi?

5 A. I would like to correct that. We found the contact
6 information for Fadi's e-mail in his GMail information and
7 Alikoukou@hotmail.com information.

8 Q. And reason you say you found the contact information for
9 Fadi is because my client told you this is the contact
10 information from Fadi, right?

11 A. He told us that his handler utilized the name of a
12 childhood friend "Hilal Kadad" to create e-mail names, yes.

13 THE COURT: Let me make that clear.

14 How did you find out that "Ali.Kourani" and
15 "Alikoukou" were account names used by the defendant?

16 THE WITNESS: He told us that, your Honor.

17 THE COURT: And --

18 THE WITNESS: And we also had separately returns from
19 the, we had subscriber returns that indicated that those
20 accounts were registered to the defendant.

21 THE COURT: So you knew it before he told you?

22 THE WITNESS: Yes.

23 THE COURT: And this childhood friend was used -- I
24 don't know in what sense it was used.

25 What was the name, Mr. Schact?

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Shannon - Cross

1 MR. SCHACHT: It hasn't come out yet, in my
2 cross-examination I mean.

3 THE COURT: Yes, it did. The answer was that he told
4 us that his handler utilized a name of a childhood friend
5 "Hilal" something to create an e-mail name.

6 Give us the context.

7 THE WITNESS: The defendant stated that his handler,
8 Fadi, had requested that the defendant provide him with the
9 name of a childhood friend. The defendant gave his handler,
10 Fadi, the name "Hilal Kadad". His handler stated he would
11 create e-mail contacts in the name "Hilal Kadad" to communicate
12 with the defendant via e-mail.

13 Q. So, my question is the way you know that is because he told
14 you, right?

15 A. Yes.

16 Q. And so, if he's telling the truth then that's Fadi's
17 e-mail, right?

18 A. Yes.

19 Q. And if he is not telling the truth then it's not Fadi's
20 e-mail, right?

21 A. Yes.

22 Q. And you have no other evidence in court here that that is
23 Fadi's e-mail other than my client's word?

24 A. Yes.

25 MR. SCHACHT: Sorry, your Honor. One moment.

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Shannon - Redirect

1 (Pause)

2 MR. SCHACHT: No further questions. Thank you.

3 THE COURT: Mr. Bove, thank you.

4 REDIRECT EXAMINATION

5 BY MR. BOVE:

6 Q. Special Agent Shannon, Mr. Schact asked you some questions
7 this morning about conversations that you had with the
8 defendant relating to his children in Canada. Do you recall
9 those questions?

10 A. I do.

11 Q. And he asked you whether you had made any promises to the
12 defendant relating to his children?

13 A. Right.

14 Q. Did you make any promises?

15 A. No. We were very clear we could not make any promise or
16 guarantees on behalf of the United States government. We're
17 merely FBI agents.18 Q. Did you promise to do anything for the defendant in those
19 meetings --

20 A. No.

21 MR. BOVE: Ms. Shields, if you could bring up
22 Government Exhibit 802, please, and zoom-in on the messages.23 Q. I think you said yesterday that the yellow messages are
24 from Mark Denbeaux. That's the attorney who represented the
25 defendant at Seton Hall?

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Shannon - Redirect

1 A. Yes, that is correct.

2 Q. And the top message says, I understand that you can't
3 promise or guarantee. Do you see that?

4 A. I do.

5 Q. And is that a message that Mr. Denbeaux sent to the FBI
6 following one of the meetings at Seton Hall?

7 A. Yes. Following my first meeting at Seton Hall on March 23,
8 2017, Mr. Denbeaux sent this message to Special Agent
9 Costello's cellphone following our meeting with the defendant.

10 Q. Is that an accurate summary of the things that you said to
11 the defendant and Mr. Denbeaux in response to his requests for
12 benefits in these interviews?

13 A. Yes, it is.

14 MR. BOVE: Ms. Shields, if you could bring up
15 Government Exhibit 221. This is the memorandum from
16 Mr. Denbeaux that we looked at a little bit this morning and
17 also yesterday.

18 Ms. Shields, if could you zoom-in on entry five,
19 please and highlight the top line.

20 Q. So, you were asked some questions this morning about
21 references to the existence of agreements in this document. Do
22 you recall those questions?

23 A. I do.

24 Q. Had you made any agreement was Mr. Denbeaux or the
25 defendant about immunity or prosecution?

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Shannon - Redirect

1 A. We made no agreements.

2 Q. Could you have?

3 A. No. We were very clear. We lacked authority to make any
4 agreements on behalf of the United States government or the
5 FBI.

6 Q. And the line that's highlighted on the screen now says that
7 the dilemma is that the government wants its information before
8 making any commitment. Do you see that?

9 A. I do.

10 Q. Is that an accurate summary of the position that you and
11 Special Agent Costello took in these meetings?

12 A. It is.

13 Q. And this phrase here, "wants its information before making
14 any commitment", why was that necessary?

15 A. We explained to the defendant that we would need to ensure
16 that his information was truthful, honest and that it was
17 valuable, that his information would be vetted. And that
18 couldn't happen until we had all of the information from the
19 defendant.

20 Q. So, this line here in Government Exhibit 221, is that
21 another accurate summary from Mr. Denbeaux about the status of
22 these meetings and the things you said to the defendant about
23 promises and guarantees?

24 A. Yes.

25 Q. Are there inaccurate statements in other parts of this

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Shannon - Redirect

1 document?

2 A. There are.

3 Q. Let's take a look at entry number eight. This is another
4 part of Government Exhibit 221 that contains some comments by
5 Mr. Denbeaux, right?

6 A. Yes.

7 MR. BOVE: Ms. Shields, if you could highlight the
8 text that says if it is true there are agents who can help with
9 important considerations --

10 MR. SCHACHT: Objection.

11 THE COURT: He is asking a question.

12 MR. SCHACHT: He just didn't read it correctly.

13 MR. BOVE: Let me try again.

14 THE COURT: Start again.

15 Q. If it is true that our agency can't not help with important
16 considerations. Do you see that?

17 A. I do.

18 Q. Had you communicated to Mr. Denbeaux and to the defendant
19 that you may not be able to provide the benefits that he was
20 demanding?

21 A. Yes.

22 Q. And then this line, this entry continues, because of lack
23 of power or lack of will; do you see those words?

24 A. Yes.

25 Q. Had you made clear to Mr. Denbeaux and the defendant that

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Shannon - Redirect

1 you as an FBI agent lacked the power individually to guarantee
2 or make available the benefits that he was demanding?

3 A. Yes, we did.

4 MR. BOVE: Ms. Shields, you can take that down. Thank
5 you.

6 Now, I'd like to take a look at Government Exhibit 222
7 in connection with the questions you received this morning
8 about discussion of benefits. If you could zoom-in on the top
9 left corner note. This is a document seized from the
10 defendant's apartment.

11 Ms. Shields, if you could highlight the text that
12 says:

13 I don't want to you feel any guilt if you are not able
14 to help me.

15 Q. During the meeting at Seton Hall, did you make clear to the
16 defendant that you may not be in a position to provide the
17 things that he was demanding?

18 A. Yes, I did.

19 Q. And did he, nevertheless, continue to speak with you over
20 the course of five separate meetings?

21 A. Yes.

22 THE COURT: Have we established whose notes these are?

23 MR. BOVE: I think that's something I am going to
24 address in closing, your Honor.

25 THE COURT: These were found in the apartment?

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Shannon - Redirect

1 THE WITNESS: Yes, your Honor. These were seized in
2 the defendant's apartment?

3 THE COURT: Part of the search.

4 THE WITNESS: Yes.

5 Q. Who's name is at the top of this document?

6 A. That's my first name, "Keri".

7 Q. Do you see on the top two lines where it says "I swear on
8 my mom and daughter" and the next part is a little bit hard to
9 read and it ends with "but truth"?

10 A. Yes.

11 Q. Did the defendant say things like that during the meetings
12 at Seton Hall?

13 A. Yes. Occasionally, he would reference his mom or his
14 daughter that he is swearing on either of those two individuals
15 that he is being truthful with us.

16 MR. BOVE: Ms. Shields, if you could zoom-out and I'd
17 like to focus on the top right corner.

18 Q. Do you see that acronym at the top "ESO"?

19 A. I do.

20 Q. What does that stand for?

21 A. External security organization.

22 MR. BOVE: Ms. Shields, if you could zoom-in on the
23 bottom left quadrant, please, the bottom left of the entire
24 document. Thank you. And if you could highlight the bottom
25 three of the last four lines, one-on-one training, ask

J59AAKOU1

Shannon - Redirect

1 questions, evaluate your interrogator.

2 Q. Do you see that text?

3 A. I do.

4 Q. Did the defendant describe a training like that at Seton
5 Hall?

6 A. He did.

7 Q. And did he say who provided it to him in the one-on-one
8 setting?

9 A. Yes. The defendant stated that he had one-on-one training
10 with his handler, Fadi, in which he was taught how to resist
11 interrogations and never provide an interrogator with any
12 weaknesses to leverage.

13 MR. BOVE: Ms. Shields, if could you focus and
14 highlight on the text that's on the screen that says
15 "everything else of Google Earth online research was true".

16 Q. Do you see that, Special Agent Shannon?

17 A. I do.

18 Q. Did the defendant describe using Google Earth during the
19 meetings at Seton Hall?

20 A. He did.

21 Q. For what purpose?

22 A. The defendant stated he used Google Earth to conduct
23 research with respect to 26 Federal Plaza and also 335 Adams,
24 the location where U.S. Secret Service maintains office space.

25 Q. The two lines above that they say DMV got hired, hire

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Shannon - Redirect

1 someone, parentheses, plates driver's licenses; do you see
2 that?

3 A. I do.

4 Q. During the meetings at Seton Hall did the defendant
5 describe a mission from the Islamic Jihad Organization that
6 related to the Department of Motor Vehicles?

7 A. He did.

8 Q. What did he say about that mission?

9 A. The defendant stated he had been asked by his handler,
10 Fadi, about obtaining a job at Department of Motor Vehicles
11 because the Islamic Jihad Organization was interested in
12 identification documents such as driver's license and also
13 license plates. And the defendant stated he explained to his
14 handler, Fadi, that it would look suspicious for someone with
15 as much education as he has to get a job at the DMV.

16 Fadi then instructed the defendant to try to befriend
17 or make an acquaintance of someone who works at the DMV so that
18 that person could be utilized to obtain those identification
19 documents.

20 Q. When the defendant described that mission from the Islamic
21 Jihad Organization, did he say anything about whether that
22 methodology had been used in connection with other IJO attacks?

23 A. Yes, he did.

24 Q. What did he say?

25 A. The defendant stated in the 2012 Burgas Bulgaria bus

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Shannon - Redirect

1 bombing, one of the bombers responsible for that plot had
2 utilized a fake identification document, a fake driver's
3 license.

4 Q. Continue.

5 A. And that the IJO liked for their operatives to utilize fake
6 identification documents so as to obfuscate the involvement of
7 the IJO in the operation.

8 Q. When the defendant described that attack, did he say where
9 the fake driver's licensed used by the bomber had been issued?

10 A. Yes. It was a U.S. driver's license issued in the state of
11 Michigan.

12 Q. You were asked some questions by Mr. Schact this morning
13 about e-mail communications between the defendant and his IJO
14 handler, Fadi. Do you recall those questions?

15 A. Yes.

16 MR. BOVE: Ms. Shields, can we go to page two of this
17 document, please. And if you could rotate it, I'd like to
18 focus on the text that right now is on the top. Can you
19 zoom-in on that, and if you could highlight the line that says
20 e-mail question mark, question mark, deleted.

21 Q. Do you see that, Special Agent Shannon?

22 A. I do.

23 Q. What did the defendant tell you at Seton Hall that he did
24 with e-mail communications that he did with Fadi, his handler,
25 in the Islamic Jihad Organization?

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Shannon - Redirect

1 A. The defendant stated after receiving e-mails from Fadi he
2 would delete those e-mail immediately because he knew that they
3 were operational e-mails.

4 MR. BOVE: You can take that down please, Ms. Shields.

5 Q. You were asked some questions by Mr. Schact this morning
6 about the e-mail address that Fadi used to communicate with
7 him. Do you recall those questions?

8 A. I do.

9 Q. I believe that you explained that the defendant had
10 identified Fadi, a childhood friend?

11 A. He did.

12 Q. What did the defendant tell you was the name of that
13 friend?

14 A. "Hilal Kadad".

15 Q. And you spoke to the defendant at Seaton Hall, did he tell
16 you where the actual Hilal Kadad lived at the time he
17 identified this name?

18 A. Yes. he said he lived in United Arab Emirates, UA.

19 Q. I think you said on cross this morning that you identified
20 e-mail accounts associated with that name "Hilal Kadad" saved
21 in the contacts for Alikoukou e-mail address?

22 A. Yes.

23 MR. BOVE: Let's take a look at those. If you could
24 bring up 402 please.

25 (Pause)

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Shannon - Redirect

1 MR. BOVE: Start by zooming in on row 51.

2 (Pause)

3 Q. Special Agent Shannon, directing your attention to Column B
4 in Row 51, what's the contact address saved in the e-mail
5 account used by the defendant, Alikoukou@Hotmail.com?

6 A. Hilal_Kadad@hotmail.com.

7 Q. Look at Column G in that row. When was this saved to the
8 account?

9 A. In October, October 19, 2011.

10 Q. Do you see the last, the column with the last changed,
11 Column H?

12 A. Yes.

13 Q. When was the last modification made to this contact entry?

14 A. July 1, 2012.

15 Q. Now, when you talked to the defendant at Seton Hall did he
16 say anything about instructions from Fadi to stop using e-mail
17 to communicate?

18 A. Yes.

19 Q. And when did the defendant tell you that Fadi gave him that
20 instruction?

21 A. Approximately, 2012.

22 MR. BOVE: Ms. shields, you can take that down.

23 THE COURT: Where did the defendant tell you that?

24 It's not clear from the question.

25 2012 is the time he was instructed or 2012 was the

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Shannon - Redirect

1 time he told you?

2 THE WITNESS: 2012 was the time he was instructed,
3 your Honor, by his IJO handler.

4 MR. BOVE: Thank you, judge. Just got a couple more
5 questions.

6 Q. You were asked some questions this morning by Mr. Schact
7 about the Amory on Lexington Avenue; do you recall those
8 questions?

9 A. I do.

10 Q. And there are questions related to a location of a store or
11 where the defendant worked; do you remember those?

12 A. Yes.

13 Q. How, if at all, was surveilling a location near a store
14 where the defendant worked be consistent with the use of a
15 cover identity maintained for purposes of the Islamic Jihad
16 Organization?

17 A. That's exactly what the defendant stated the Islamic Jihad
18 Organization had trained him to do, to utilize patterns
19 consistent with his cover identity to conduct those operational
20 activities.

21 Q. To set up a job near a military outpost so that you could
22 surveil it?

23 A. Yes.

24 Q. You were also asked some questions this morning by
25 Mr. Schact about the defendant's trip to China; do you recall

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Shannon - Redirect

1 those questions?

2 A. Yes.

3 Q. We looked at the documents yesterday related to that trip,
4 the timing of the defendant that's naturalization, his
5 passport?

6 A. Yes.

7 Q. Then the Chinese visa and a days later the trip to China in
8 May of 2009; do you recall those documents?

9 A. I do.

10 Q. When you asked the defendant about the purpose of his trip
11 to China, I think your testimony this morning was that he
12 didn't mention going there to pick up counterfeit clothes; is
13 that right?

14 A. That's right.

15 Q. Did the defendant refer to medical devices during the
16 interviews at Seton Hall when you asked him about the purpose
17 of the trip to Chinese?

18 A. Yes.

19 Q. And in the context of the Islamic Jihad Organization and
20 things that they were doing in 2009, why is that relevant?

21 MR. SCHACHT: Objection.

22 THE COURT: Sustained.

23 Q. What, if any, connection is there between the Islamic Jihad
24 Organization and medical devices?

25 A. The Islamic Jihad Organization was in the process of

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Shannon - Recross

1 procuring dual use explosive precursors during that time to
2 include items that are found in commercial cold packs contained
3 in first aid kits.

4 MR. SCHACHT: Objection.

5 THE COURT: You're stating this on the basis of your
6 knowledge or the basis of what Mr. Kourani told you?

7 THE WITNESS: The basis of my knowledge, your Honor.

8 MR. SCHACHT: Same objection.

9 THE COURT: Overruled.

10 MR. BOVE: Nothing further, judge.

11 THE COURT: Any further questions?

12 MR. SCHACHT: Yes, your Honor.

13

14 RECROSS-EXAMINATION

15 BY MR. SCHACHT:

16 Q. Do you recall Mr. Bove showed you some notes before that
17 are my client's notes, right?

18 A. I believe they're your client's notes, yes, sir.

19 Q. Well, maybe they are not his notes; is that your testimony?

20 A. No. I believe them to be his notes.

21 Q. OK. And at the top of them it says "dad here ASAP", right;
22 do you recall seeing that?

23 A. Yes.

24 (Continued on next page)

25 BY MR. SCHACHT:

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Shannon - Recross

1 Q. Do you recall at the first meeting, you gave what you
2 called estimations to him of when his family members could be
3 brought here? Do you recall doing that?

4 A. Yes.

5 Q. And an estimation, obviously, is different than a
6 guarantee, right?

7 A. Yes.

8 Q. And it's different than a promise?

9 A. Yes.

10 Q. By giving an estimation, what you were telling him, am I
11 correct, is that you would try to get his family here, but you
12 couldn't guarantee it?

13 A. Yes.

14 Q. And you gave him some deadlines sort of on a calendar of
15 when you would try to do this by, right?

16 A. Yes.

17 Q. You mentioned that he told you about learning techniques to
18 resist questioning or resist interrogation, right?

19 A. He did.

20 Q. And, obviously, calling up the FBI and asking for a meeting
21 is inconsistent with the training that he told you about,
22 right?

23 A. No.

24 Q. Well, the training that he told you about was what to do if
25 the Israelis or some hostile force captures a person and are

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Shannon - Recross

1 interrogating you, right?

2 A. No.

3 Q. Well, was this even an interrogation? No.

4 A. I'm sorry, can you repeat that?

5 Q. This was a friendly interview at a law school, right?

6 A. This was an interview at a law school, yes.

7 Q. But it wasn't what you would call in the FBI an
8 interrogation, was it?

9 A. No.

10 Q. Do you recall that he asked you for a contract?

11 A. That he asked us for a contract?

12 Q. When I say he, let me be specific. Ali Kourani asked you
13 for a contract, so he would have a deal with the FBI in
14 writing?

15 A. No.

16 Q. You don't recall that?

17 A. I don't.

18 Q. Do you recall seeing on the notes two minutes ago that my
19 client wrote on the notes that he needed a contract from you?
20 If you don't --

21 MR. SCHACHT: Could you pull up the notes again? I'm
22 sorry. Thank you. I think it's in the bottom right quadrant.

23 MR. BOVE: Your Honor, for the record, this is
24 Government Exhibit 222.

25 MR. SCHACHT: Thank you.

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Shannon - Recross

1 BY MR. SCHACHT:

2 Q. Do you see there, I guess one line from the bottom, it says
3 sign a contract?

4 A. It says, "I need a coverup. Signing contract."

5 Q. Does that refresh your recollection about him asking you
6 for a contract?

7 A. He didn't ask us for a contract.

8 Q. He did not?

9 A. He did not.

10 Q. Did he ask you to get his father here ASAP?

11 A. That, he did ask us.

12 MR. SCHACHT: Thank you. You can take that down.

13 Could you please go back to Government Exhibit 221.
14 And when you have a chance, could you go to the flip side of
15 that, the handwritten notes on the other side of that document.
16 Thank you.

17 Could you zoom in on the left-hand side of that,
18 please. Thank you.

19 BY MR. SCHACHT:

20 Q. These are my client's notes on his copy of Mr. Denbeaux's
21 memorandum that was found during the execution of the search
22 warrant in his apartment, right?

23 THE COURT: You're referring differently to these
24 notes than the government did. Is it established from your
25 concession, or anything else, that these are defendant's notes?

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Shannon - Recross

1 MR. SCHACHT: I would certainly concede they're the
2 defendant's notes on the other side of his copy of the
3 memorandum.

4 MR. BOVE: We're happy to stipulate, Judge, that the
5 notes reflected on the back of 221 and the entirety of 222 are,
6 in fact, the defendant's notes.

7 THE COURT: Okay.

8 BY MR. SCHACHT:

9 Q. Do you see there, in the upper right quadrant, my client
10 wrote, "They said they can do a lot"?

11 A. Yes.

12 Q. And then to the left of that he has, "Kids' visa, job,
13 justice, money," he's got all those things listed there?

14 A. Yes, I see that.

15 Q. Now, when my client told you that he was advised to get a
16 cover of a job while he was working as a Hezbollah operative,
17 did he tell you what type of job he was advised to get? Or he
18 didn't mention that one way or the other?

19 A. I don't recall that being mentioned, one way or the other,
20 the type of job.

21 Q. He certainly didn't mention, did he, that he was advised to
22 get a job as a criminal selling counterfeit clothing, right?

23 A. Right.

24 Q. Because that would be the opposite of leading a
25 superficially normal life, right?

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Shannon - Redirect

1 A. I don't know.

2 MR. SCHACHT: I have no other questions.

3 THE COURT: Okay.

4 MR. BOVE: Judge, I have one brief follow-up relating
5 to a door that was just opened.

6 REDIRECT EXAMINATION

7 BY MR. BOVE:

8 Q. Special Agent Shannon --

9 A. I apologize.

10 Q. -- you were just asked some questions about the
11 conversation you had with Mr. Denbeaux and the defendant on
12 March 23rd, 2017, in which an estimate was provided about
13 timing. Do you recall those questions?

14 A. Yes.

15 Q. And I want you to focus now on that specific part of the
16 meeting where that estimate was discussed. Okay?

17 A. Yes.

18 Q. Did you describe any preconditions at that point to the FBI
19 doing anything -- before the FBI would try to do anything, what
20 did you say needed to happen?

21 A. We told the defendant three things needed to happen: He
22 had to be truthful, he had to be honest. That meant he had to
23 tell us everything, he couldn't hold anything back, and he
24 could not lie to us. The third thing was that his information
25 had to be valuable.

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Shannon - Recross

1 MR. BOVE: Nothing further.

2 MR. SCHACHT: Very briefly, your Honor.

3 RECROSS EXAMINATION

4 BY MR. SCHACHT:

5 Q. Prior to your meeting him, hadn't other FBI agents already
6 met my client and spoken to him?

7 MR. BOVE: Objection.

8 THE COURT: Do you know that other FBI agents had
9 previously met with Mr. Kourani?

10 THE WITNESS: I do know that, your Honor.

11 THE COURT: Okay. Are you finished?

12 MR. SCHACHT: No, I have one follow-up question to
13 that.

14 THE COURT: That's two questions.

15 BY MR. SCHACHT:

16 Q. And those agents had already provided him with benefits
17 prior to him being honest and truthful, right?

18 THE COURT: That's new ground.

19 MR. BOVE: Objection.

20 THE COURT: That's not part of the examination.

21 MR. SCHACHT: I can go into it with another witness.
22 Thank you.

23 THE COURT: Before we excuse Ms. Shannon, can I see
24 both of you?

25 (At the sidebar)

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Shannon - Recross

1 THE COURT: We referred to the 69th Regiment Armory as
2 a military installation. Is it?

3 MR. BOVE: Yes, Judge, absolutely. And we will
4 establish that through witness testimony this morning.

5 THE COURT: You will?

6 MR. BOVE: Yes.

7 THE COURT: Okay. Thank you.

8 (Continued on next page)

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1 (In open court)

2 THE COURT: Let's take our midmorning break before the
3 next witness comes.

4 Close up your books, leave them by your chairs, don't
5 discuss the case.

6 Ms. Shannon, you're excused. Thank you.

7 THE WITNESS: Thank you, your Honor.

8 (Witness excused)

9 (Jury not present)

10 THE COURT: When you come back, have your next
11 witness, Mr. Bove.

12 MR. BOVE: Yes, your Honor.

13 (Recess)

14 (Jury present)

15 THE COURT: The next witness is Special Agent Stephen
16 Anest.

17 Ms. Jones will swear you.

18 STEPHEN ANEST,

19 called as a witness by the Government,

20 having been duly sworn, testified as follows:

21 THE WITNESS: Special Agent Stephen, S-t-e-p-h-e-n,
22 last name Anest, A-n-e-s-t.

23 THE COURT: You may inquire, Ms. Houle.

24 MS. HOULE: Thank you, your Honor.

J59KKOU2

Anest - Direct

1 DIRECT EXAMINATION

2 BY MS. HOULE:

3 Q. Good morning, Special Agent.

4 A. Good morning.

5 Q. Where do you work?

6 A. I work for a component of the United States Department of
7 Homeland Security, an agency called the Federal Protective
8 Services.9 Q. I'll refer to the Federal Protective Services as the FPS
10 during your testimony.

11 What is the mission of the FPS?

12 A. The FPS provides law enforcement and security services to
13 federal facilities. We provide protective services at United
14 States General Services Administration, government facilities
15 that are owned, leased, or occupied by the federal government.16 THE COURT: Try to speak a little more slowly and
17 louder.

18 THE WITNESS: Yes, your Honor.

19 BY MS. HOULE:

20 Q. And how long have you worked for the FPS?

21 A. I started with the FPS in 2009.

22 Q. What roles have you held there?

23 A. I'm currently a special agent. In 2016, I transitioned
24 from being a uniformed law enforcement officer, I was an area
25 commander, where I was basically a precinct commander for lower

J59KKOU2

Anest - Direct

1 Manhattan.

2 Q. What, generally, are your responsibilities as a special
3 agent at Federal Protective Services?

4 A. As a special agent at FPS, my primary duties is to conduct
5 criminal investigations. However, we also conduct covert
6 security testing of our contract security force, or contract
7 guards. I also conduct surveillance detection at our
8 facilities in furtherance of our protective mission, and I
9 conduct threat assessments of our facilities as part of our
10 facility security assessment program.

11 Q. What did you do before you joined FPS?

12 A. I was on active duty as a commissioned officer with the
13 Army Reserve, where I was in a branch, military police.

14 Q. As part of your work at FPS and in the military, have you
15 received training relating to physical security?

16 A. Yes, I have.

17 Q. Can you describe, generally, what types of training you've
18 received?

19 A. Yes. As a military police officer, I started off with the
20 military officer's basic course. I'm still in the Army Reserve
21 today, so I continue that process. I completed the Captain's
22 Career Course, the Army Physical Security Training Program --

23 THE COURT: Slow, slow, slow.

24 THE WITNESS: Yes, Judge.

25 -- the antiterrorism officer's course. As a member of

J59KKOU2

Anest - Direct

1 the Federal Protective Service, I've completed two academies,
2 one for our uniformed police division and one -- and the
3 criminal investigation training program. As part of our
4 national academy, I completed our protective or our Physical
5 Security Training Program and a series of other shorter term
6 courses over the period of my service. In addition, I'm a --
7 act as a certified protection professional.

8 Q. Special Agent, could I ask you to just move a little closer
9 to the microphone?

10 A. Sure.

11 Q. Thank you.

12 You testified that as part of your responsibilities,
13 you participate in what you called threat assessments of
14 federal facilities; is that right?

15 A. Yes.

16 Q. Does the federal government have a standardized process for
17 these threat assessments?

18 A. Yes, it does.

19 Q. Can you describe that briefly?

20 A. Yes. The Interagency Security Committee lays out the
21 standards --

22 THE COURT: Slow.

23 THE WITNESS: The Interagency Security Committee lays
24 out the standards for risk management across the federal
25 government infrastructure sector. That committee was

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Anest - Direct

1 established after the bombing of the Murrah building in
2 Oklahoma City. By executive order, that risk management
3 process applies to all federal government facilities.

4 FPS conducts a risk management process as part of the
5 sector of the government facilities that we provide risk
6 assessment for. That facility security assessment process
7 includes various steps of gathering information. We conduct
8 interviews. We gather documents, plans, security information
9 about those buildings, construction information, information on
10 threats in the area, interviews with other law enforcement
11 agencies. We conduct tests of the countermeasures or systems
12 that protect the buildings. That would include guards, and
13 cameras, and things like that. And we gather that information,
14 we complete a report, and make recommendations.

15 Q. And those steps that you just described that are part of a
16 threat assessment process, have you employed those steps to
17 learn about a building at 26 Federal Plaza?

18 A. Yes, I have.

19 MS. HOULE: Ms. Shields, could you please bring up
20 what's already in evidence as Government Exhibit 9.

21 Q. Special Agent, does this map accurately mark the location
22 at 26 Federal Plaza down at the bottom of Manhattan there?

23 A. Yes, it does.

24 THE COURT: I've taken judicial notice of that.

25 MS. HOULE: Thank you, your Honor.

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Anest - Direct

1 THE COURT: You needn't ask the witnesses.

2 MS. HOULE: Ms. Shields, could you move to the left
3 side of the screen, please, and on the right, could you please
4 bring up Government Exhibit 803, which is also already in
5 evidence.

6 BY MS. HOULE:

7 Q. Special Agent, what is shown on the right side of the
8 screen at Government Exhibit 803?

9 A. That's the front main entrance portion of 26 Federal Plaza,
10 the plaza located on Broadway between Duane Street and Worth
11 Street.

12 Q. What is the level of security that FPS has determined is
13 necessary for 26 Federal Plaza?

14 A. It's among the highest risk levels of facilities.

15 Q. I'd like to talk through some specifics of that building.

16 Approximately how many people are present in 26
17 Federal Plaza each day?

18 A. The peak population of the facility is somewhere around
19 7,000.

20 Q. And how does the size of 26 Federal Plaza compare to other
21 federal buildings in this country?

22 A. It's the third largest federal facility in the country and
23 one of the largest outside of the National Capital Region.

24 Q. Are there different federal agencies that have offices at
25 26 Federal Plaza?

J59KKOU2

Anest - Direct

1 A. Yes, there are.

2 Q. Approximately how many federal agencies are located there?

3 A. Approximately 30.

4 Q. Could you provide the jury with some examples of the
5 federal agencies located there?

6 A. Yes. The Federal Bureau of Investigation, the FBI, their
7 main New York field office is located there, they're among the
8 largest tenants. Citizenship and Immigration Services, the
9 United States Court of International Trade is located on that
10 campus. The United States Army Corps of Engineers, their
11 New York district office is located there. There are various
12 other field offices of many regional headquarters of the Region
13 II area of New York are located there.

14 Q. Are you familiar with a term "significant areas and
15 assets"?

16 A. Yes.

17 Q. What does that term mean?

18 A. Those are areas on a facility or a building that we look at
19 that are significant to the building. They're -- we would term
20 they're attractive, they're attractive targets. Some of the
21 locations that we may identify in buildings are common areas
22 that you may notice, areas where people gather, infrastructure
23 of the building, whether there's generators or other key
24 engineering factors of the building, courtrooms, detention
25 facilities, important things within that building.

J59KKOU2

Anest - Direct

1 Q. When you say attractive target, what do you mean by that?

2 A. That they would -- that a threat actor, or criminal, or
3 terrorist may view that as someplace that they would want to
4 perform an attack or an act.

5 Q. Does 26 Federal Plaza have any of those significant areas
6 and assets?

7 A. Yes.

8 Q. Can you describe them, please?

9 A. Sure. It includes -- there's command posts and operation
10 centers located there. As I mentioned earlier, they're the
11 offices, they have gathering places for people when they're
12 coming in the buildings, key engineering facilities,
13 courtrooms, detention areas, law enforcement offices.

14 Q. Does 26 Federal Plaza have any location for the securing of
15 confidential information or classified information?

16 A. Yes. Classified information is held by various agencies
17 within the facility, and they have sensitive work areas.

18 Q. Is there a daycare at 26 Federal Plaza?

19 A. Could you repeat the question?

20 Q. Is there a daycare at 26 Federal Plaza?

21 A. Yes, there's a large daycare facility there, and there is
22 exterior grounds, there's playgrounds.

23 Q. And those playgrounds, are they visible from the outside of
24 26 Federal Plaza?

25 A. Yes, they are.

J59KKOU2

Anest - Direct

1 Q. I'd like to ask you about another term, the phrase "joint
2 operations center." What is that?

3 A. The joint operations center is where a state, local, or
4 government agency would manage their operation from.

5 Typically, it includes multiple agencies, and if it's a joint
6 operation center, it's basically a command post.

7 Q. When is a joint operation center typically used?

8 A. They'll be typically steady-state or current operations
9 periods that will have operations, maybe possibly, during
10 regular daytime hours. However, typically, they're used during
11 an incident response and major events.

12 Q. When you say "major events," what would that include?

13 A. Major events could be anything from parades to other things
14 that are going on in the city. One thing that comes to mind is
15 the U.N. General Assembly every year, and one thing that comes
16 to mind is maybe the Pope's visit, things like that. Major
17 events, the president's visit to the city, things like that.

18 Q. Is there a joint operation center at 26 Federal Plaza?

19 A. Yes, there is.

20 Q. In assessing the security at 26 Federal Plaza, have you
21 also reviewed the surrounding area?

22 A. Yes, I have.

23 Q. Why is that important?

24 A. We look at the facilities not only from inside the
25 facility, but also the surrounding area. It impacts the threat

J59KKOU2

Anest - Direct

1 level of a facility; it impacts the general crime in an area.
2 26 Federal Plaza is located on a major federal campus, the
3 Manhattan Civic Center. If you're familiar with the area, you
4 may look and see 26 Federal Plaza located with the Court of
5 International Trade, a national monument called the African
6 Burial Ground, the Ted Weiss Federal Building located at 290
7 Broadway directly across the street.

8 THE COURT: What building is that?

9 THE WITNESS: 290 Broadway.

10 THE COURT: What kind of building?

11 THE WITNESS: Federal office building.

12 THE COURT: Federal office building.

13 THE WITNESS: And then also within that same area,
14 across the street, you have two courthouses, including this
15 one, the United States Attorney's Office, located at One
16 St. Andrew's Plaza. Those are all federal facilities. In
17 addition, you have state and local offices as well.

18 THE COURT: And the MCC?

19 THE WITNESS: Yes.

20 THE COURT: A correctional facility?

21 THE WITNESS: Yes.

22 BY MS. HOULE:

23 Q. You mentioned, at the beginning of your testimony, that
24 part of your role is to conduct surveillance detection
25 operations?

J59KKOU2

Anest - Direct

1 A. Yes.

2 Q. What does that mean?

3 A. Surveillance detection is a process by where we're trying
4 to identify if someone is conducting hostile surveillance
5 against facilities we protect.

6 Q. Let me interrupt you there. What do you mean by "hostile
7 surveillance"?

8 A. Hostile surveillance is someone conducting surveillance,
9 surveillance being observing in a covert manner, to gather
10 information or intelligence in furtherance of a possible attack
11 on a facility. They would seek to gather information about the
12 vulnerabilities of a facility or building, the business
13 practices, the operations, things that we discussed earlier
14 about sensitive areas and assets. Those are the things they
15 would seek to identify.

16 Q. What types of surveillance detection operations do you
17 conduct?

18 A. So we conduct surveillance detection operations in
19 coordination with our uniformed division, typically. We have
20 operations for specific events or as part of our routine
21 protective operations.

22 Q. Based on your work at the FPS, are you also familiar with a
23 building at 335 Adams Street in Brooklyn, New York?

24 A. Yes, I am.

25 Q. That's listed at the bottom of the map, on the left side of

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Anest - Direct

1 the screen as well, right?

2 A. Yes.

3 MS. HOULE: Ms. Shields, if you could turn to page 5
4 in Government Exhibit 803, which is on the right side of the
5 page. And if you could rotate that.

6 Q. Special Agent, what is shown in this photograph on the
7 right side of the page?

8 A. 335 Adams Street.

9 Q. What's located inside of this building, as it relates to
10 your work?

11 A. The United States Secret Service has a field office there
12 that is leased by the General Services Administration.

13 Q. Is the building marked from the outside as a federal
14 facility?

15 A. No, it is not.

16 Q. Is there any indication on the outside of the building that
17 the Secret Service office is inside?

18 A. No.

19 Q. Is there information available on the Internet about the
20 Secret Service having an office there?

21 A. Yes.

22 Q. Let's talk through some of the specifics of this building.

23 Approximately how many people are in that building on
24 a given day?

25 A. The peak population we have is 180, approximately.

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Anest - Direct

1 Q. And like your review of 26 Federal Plaza, have you also
2 reviewed the surrounding area of this building?

3 A. Yes, I have.

4 Q. What is in the area that's relevant to your threat
5 analysis?

6 A. Similar to Manhattan, it's located in the Brooklyn Civic
7 Center. It has a -- similar to Manhattan, it has a series of
8 federal buildings, including two courthouses, a post office,
9 local and state courts, other local and city offices, and
10 residential and some commercial.

11 Q. Does 335 Adams Street also have a joint operations center?

12 A. Yes. They have a -- the Secret Service activates a joint
13 operations center there for specific events that they're
14 responsible for.

15 Q. What types of events?

16 A. National security special events. When the Secret Service
17 is assigned one, they -- in New York City, they will activate
18 their joint operations center for that event.

19 Q. Can you give some specific examples of events that would be
20 national security events that the Secret Service coordinates
21 out of that building?

22 A. The United States -- Correction. The U.N. General
23 Assembly, which is an annual event at the U.N., and one recent
24 one I can remember is the Pope's visit to New York.

25 Q. You testified that you conduct surveillance detection

J59KKOU2

1 operations in connection with 26 Federal Plaza.

2 Do you conduct similar operations in connection with
3 this building, the Secret Service building?

4 A. Yes, we have.

5 MS. HOULE: One moment, your Honor?

6 THE COURT: Yes.

7 (Pause)

8 MS. HOULE: No further questions.

9 THE COURT: Cross-examination, Mr. Schacht?

10 MR. SCHACHT: I have no questions for this witness.

11 Thank you.

12 THE COURT: You're excused.

13 THE WITNESS: Thank you, Judge.

14 (Witness excused)

15 THE COURT: Next witness.

16 MS. HOULE: Your Honor, the government calls Special
17 Agent Gary Battista.

18 GARY BATTISTA,

19 called as a witness by the Government,

20 having been duly sworn, testified as follows:

21 THE WITNESS: Gary Battista, B-a-t-t-i-s-t-a.

22 THE COURT: You may inquire, Ms. Houle.

23 MS. HOULE: Thank you, your Honor.

24 Your Honor, before I begin with this witness, I'd like
25 to read a stipulation between the parties. It is at Government

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Battista - Direct

1 Exhibit 1012.

2 THE COURT: Yes.

3 MS. HOULE: The parties agree as follows:

4 First, that on November 8, 2013, the defendant was
5 arrested by officers of the New York City Police Department
6 following a lawful traffic stop;

7 Two, if called as a witness at trial, the arresting
8 officer would testify that during that traffic stop, on
9 November 8, 2013, the defendant stated in substance and in
10 part, "I have counterfeit boots in the back of the car. I make
11 about \$20 per pair. I buy them for \$20."

12 Following the arrest on November 8, 2013, the
13 defendant was charged with trademark counterfeiting in the
14 second degree, driving with an object obstructing vision, and
15 failing to stop at a stop sign.

16 On May 6, 2014, the defendant resolved the criminal
17 charges by pleading guilty in Queens County Criminal Court to
18 the charge of disorderly conduct.

19 Your Honor, the government offers 1012.

20 THE COURT: Received.

21 (Government's Exhibit 1012 received in evidence)

22 DIRECT EXAMINATION

23 BY MS. HOULE:

24 Q. Good morning.

25 Where do you work?

J59KKOU2

Battista - Direct

1 A. Federal Bureau of Investigation New York office.

2 Q. How long have you worked for the FBI?

3 A. Eleven years.

4 Q. What did you do before you joined the FBI?

5 A. I was an infantry officer in the United States Army for
6 eight years.

7 Q. Are you assigned to a particular squad at the FBI right
8 now?

9 A. Yes, I am. I'm --

10 Q. What squad is that?

11 A. Squad CT9.

12 Q. Does CT9 have any particular focus?

13 A. Yes. We investigate the Iranian threat network, which
14 includes the Islamic Revolutionary Guard Corps and Lebanese
15 Hezbollah.

16 Q. What is your position on CT9?

17 A. Currently, the supervisory special agent.

18 Q. How long have you held that position?

19 A. Approximately 14 years.

20 Q. Have you held any other positions on that squad?

21 A. Yes. Previously, I was a case agent on the squad for three
22 years.

23 Q. Do you know a man named Ali Kourani?

24 A. I do.

25 Q. Do you see him in the courtroom today?

J59KKOU2

Battista - Direct

1 A. I do.

2 Q. Could you identify him based on a piece of clothing that
3 he's wearing?

4 A. Individual wearing glasses and a dark red shirt.

5 THE COURT: The defendant is identified.

6 MS. HOULE: Thank you, your Honor.

7 BY MS. HOULE:

8 Q. Special Agent, if I could turn your attention to April 1st,
9 2016.

10 Did you meet with the defendant on that day?

11 A. I did.

12 Q. Was that the first time you met the defendant?

13 A. Yes.

14 Q. How did that meeting begin?

15 A. That meeting began with me approaching Mr. Kourani at a
16 Starbucks restaurant in College Point.

17 Q. Why did you approach him at a Starbucks?

18 A. At that time, Mr. Kourani was by himself, and we wanted to
19 keep these conversations private.

20 Q. What did you say when you approached him at the Starbucks?

21 A. I introduced myself as a special agent with the FBI and
22 told him that I had an urgent matter that I needed to discuss
23 with him, it involves him and his family, and asked him to
24 follow me.

25 Q. What was the defendant's response?

J59KKOU2

Battista - Direct

1 A. He looked at me, looked at my credentials, smiled and
2 agreed to follow.

3 Q. What was his demeanor?

4 A. Very calm.

5 Q. Where did you go next?

6 A. We went to a McDonald's restaurant, which was adjacent to
7 the Starbucks.

8 Q. Did you meet with the defendant at the McDonald's?

9 A. I did.

10 Q. Was anyone present for that meeting with the defendant?

11 A. Yes.

12 Q. Who?

13 A. There was another special agent and a member of a U.S.
14 intelligence agency.

15 Q. How did you identify those two other people in the meeting
16 to the defendant?

17 A. As my colleagues.

18 Q. When you met with the defendant at the McDonald's, did you
19 tell him why you wanted to meet with him?

20 A. I did.

21 Q. What did you say?

22 A. I told him that we had been watching him for a long time,
23 and I knew a lot about him, I knew about his previous criminal
24 activity, that he was arrested by NYPD, and we also knew about
25 his affiliation with Hezbollah. Further, I told him that I

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Battista - Direct

1 knew that he was a father of two and was seeking financial
2 stability in his life. And the reason that I was telling him
3 these things is that he had a unique opportunity, and that
4 opportunity was to enter into a relationship with the
5 U.S. Government, and that relationship would be based on truth
6 and honesty. If he chose to take us up on that relationship,
7 he would have the opportunity to provide college education for
8 his kids, healthcare for his family, pursue any career that he
9 wanted, and if he did so, he wouldn't regret it.

10 Q. When you mentioned things like providing college for his
11 kids or healthcare, what did you mean by that?

12 A. That we would be able to financially support that.

13 Q. At the McDonald's, what, if anything, did the defendant say
14 about whether he was willing to discuss Hezbollah with you?

15 A. He told us that he would be willing to talk about Hezbollah
16 politics all day.

17 Q. Did you continue to meet with the defendant at the
18 McDonald's?

19 A. Not for too much longer.

20 Q. What happened?

21 A. We agreed that this wasn't the best environment to discuss
22 Hezbollah. The McDonald's was crowded, we were actually seated
23 by a trashcan, there was lots of people walking by, so we
24 agreed to meet later that night.

25 Q. What did you do next?

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Battista - Direct

1 A. I provided Mr. Kourani a previously unused cell phone.

2 Q. And why did you give the defendant a cell phone that had
3 never been used before?

4 A. We didn't want Mr. Kourani to have to explain to Hezbollah
5 any additional phone numbers in his personal phone when he goes
6 back to Lebanon.

7 Q. When you would communicate with the defendant, what type of
8 phone would you use?

9 A. Sure. I also kept a previously unused cell phone for
10 myself. In case Hezbollah came in possession of the phone that
11 we provided him, we didn't want that phone tied to any
12 U.S. Government phone numbers.

13 Q. Did the defendant accept the cell phone from you?

14 A. He did.

15 Q. What happened next?

16 A. So we agreed that we would meet later that night, at
17 approximately 6:00 o'clock.

18 Q. What happened at 6:00 p.m.?

19 A. Prior to 6:00, I called him at 5:00, and provided a street
20 corner for him to meet us at, told him to come alone and bring
21 his phone. He showed up at 6:00 o'clock, and I, again, called
22 him.

23 Q. What happened when you called him at 6:00 p.m.?

24 A. When I called him at 6:00, I provided additional directions
25 for him to meet us at another location a few blocks away.

J59KKOU2

Battista - Direct

1 Q. And did you meet the defendant at that second location?

2 A. I did.

3 Q. Where did you go next?

4 A. We went into an adjacent hotel, which was a Sheraton in
5 Flushing, Queens.

6 Q. Why didn't you just tell the defendant to meet you at that
7 Sheraton in Queens?

8 A. We wanted to make sure the defendant showed up by himself
9 and nobody else knew about the meeting.

10 Q. When you brought the defendant into the hotel, what
11 happened next?

12 A. I brought him up to the landing on the floor where the
13 hotel room was that we were going to meet him at, and I patted
14 him down.

15 Q. Did the defendant have anything on him?

16 A. He did.

17 Q. What did he have?

18 A. The only item on him was the cell phone that I had provided
19 him previously that day.

20 Q. Did he have any identification on him?

21 A. No wallet, no ID, no personal phone.

22 THE COURT: This is still April 1?

23 THE WITNESS: Yes, sir.

24 THE COURT: 2016?

25 THE WITNESS: Yes, sir.

J59KKOU2

Battista - Direct

1 BY MS. HOULE:

2 Q. Did you give the defendant any instructions at that point
3 in the meeting with regard to that cell phone you had provided
4 him?

5 A. Yes. We asked him to remove the battery.

6 Q. Why did you do that?

7 A. We wanted to ensure that the phone wasn't going to be used
8 to record the conversation or be exploited in any way.

9 Q. And this meeting at the hotel with the defendant, who else
10 was present?

11 A. The same two people from earlier that day.

12 Q. What, if anything, did the defendant say to you about
13 whether he had told anyone he would be meeting with the FBI
14 that day?

15 A. He said that he hadn't told anybody, that he wanted, also,
16 to keep these conversations secret, and actually told his wife
17 that he was going to get his glasses fixed.

18 Q. During this meeting, did you ask the defendant about his
19 relationship with Hezbollah?

20 A. I did.

21 Q. What did he say?

22 A. He denied having any membership in Hezbollah, said he was
23 not affiliated in any way, and said whatever information we had
24 was based on lies.

25 Q. Did the defendant express any view of Hezbollah?

J59KKOU2

Battista - Direct

1 A. Yeah, he actually said that he hated Hezbollah.

2 Q. Did he give a reason for that?

3 A. Yes. He relayed a story about a contentious divorce
4 between his sister and the son of Sheikh Hussein Kourani, who
5 he later described as one of the founding fathers of Hezbollah.

6 Q. Did you ask the defendant any questions about Hezbollah
7 operations here in the United States?

8 A. Yes.

9 Q. What did he say?

10 A. He said, during this meeting, that it -- it wouldn't make
11 any sense for Hezbollah to have any members in the United
12 States because their fight was in Lebanon.

13 Q. Did the defendant say whether he was willing to have future
14 contact with the FBI?

15 A. Yes.

16 Q. What did he say?

17 A. He agreed to take a call from us on April 4th at noon.

18 Q. What was your goal in approaching the defendant that day?

19 A. Our goal in approaching Mr. Kourani was to find out more
20 about Hezbollah IJO operations in the United States.

21 Q. Did you say anything to the defendant about what would be
22 expected of him if he continued to meet with the FBI?

23 A. Yes. We asked for truth and honesty.

24 Q. Directing your attention to April 4, 2016, did you speak
25 with the defendant by phone that day?

J59KKOU2

Battista - Direct

1 A. I did.

2 Q. What was said on that call?

3 A. We agreed to meet on April 6th.

4 Q. And what phone did you use to call the defendant?

5 A. I used my previously unused phone.

6 Q. And what phone number did you call him at?

7 A. The phone that I had given him on April 1st.

8 Q. Did you meet with the defendant on April 6 --

9 THE COURT: Excuse me. You used your previously
10 unused phone?

11 THE WITNESS: Yes, sir.

12 THE COURT: What do you mean?

13 THE WITNESS: I also kept a -- we provided Mr. Kourani
14 a phone, and I also bought a phone that wasn't associated with
15 the U.S. Government.

16 BY MS. HOULE:

17 Q. Did you meet with the defendant on April 6, 2016?

18 A. Yes.

19 Q. Where did that meeting take place?

20 A. That meeting was at a hotel called the Carleton of Oak Park
21 in Chicago, Illinois.

22 Q. Why did you meet with the defendant in Chicago on April 6th
23 when you had previously met with him in New York?

24 A. He had moved to Chicago.

25 Q. Did the defendant tell you if that move was previously

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Battista - Direct

1 planned?

2 A. He did, and it was.

3 Q. This meeting that you had with the defendant in Chicago on
4 April 6th, who else was present?

5 A. The same two people in the previous meetings.

6 Q. During this meeting, did the topic of the 2006 War between
7 Israel and Hezbollah come up?

8 A. Yes.

9 Q. What did the defendant say about that topic?

10 A. Mr. Kourani stated that he was in the South of Lebanon in
11 his hometown of Yater with several family members. After a few
12 days of engagement between Hezbollah and Israel, they realized
13 that this wasn't the normal engagement, so he and several
14 family members got in a car and drove to Damascus, Syria. It
15 took them about a week to go up there.

16 Q. Did the defendant tell you where he went after Syria?

17 A. Yes. He stayed one night in Damascus and then took a
18 Middle East Airlines flight back to New York.19 THE COURT: May I suggest that you, as to what happens
20 at a meeting, you just ask what happens at the meeting and who
21 said what to whom, and let it flow rather than direct the
22 topics.

23 MS. HOULE: Thank you, your Honor.

24 BY MS. HOULE:

25 Q. Special Agent, was anything further said about that topic

J59KKOU2

Battista - Direct

1 of the 2006 War?

2 A. Yes. His sentiments about Israel came up. He stated
3 that -- we asked him what did he feel about the impact of that
4 war. He said that he was upset at this thing called Israel and
5 then went on to say that he hated Israel to death. His
6 father's home was destroyed approximately two days before the
7 end of the war. That was pretty much it about the war.

8 THE COURT: How did the meeting start?

9 THE WITNESS: That meeting started with us engaging
10 Mr. Kourani about some of the topics that we had discussed in
11 the previous meeting.

12 THE COURT: So you initiated the conversation?

13 THE WITNESS: Yes, your Honor.

14 THE COURT: And you talked about some of the subjects
15 in the previous meeting. Did you ask any questions?

16 THE WITNESS: Yes. In the previous meeting, he had
17 brought up an individual by the name of Husam Kourani. We
18 talked about him a little bit.

19 THE COURT: This is one of the founders you mentioned?

20 THE WITNESS: No, sir. He's a different individual, a
21 family member of Ali Kourani that was approached by the
22 U.S. Government. He came up in the first meeting. Mr. Kourani
23 said that he fell into the category of an individual that was
24 also approached by the United States Government that they were
25 seeking cooperation from. He said that he pretty much fell

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Battista - Direct

1 into that category now, and Mr. Kourani -- Husam Kourani should
2 have taken them up on the offer. Instead, he had left for
3 Brazil.

4 So we discussed him a little bit more and also
5 discussed the divorce between his sister and the son of Sheikh
6 Hussein Kourani, because that really was something that
7 illustrated his sentiments about Hezbollah.

8 So then the topic of the war came up.

9 THE COURT: Did you bring it up, or did he?

10 THE WITNESS: We brought it up because it came up in
11 our first meeting on April 1st. We didn't get into too much
12 detail on April 1st about it, so we wanted to talk about it a
13 little bit more.

14 THE COURT: Go ahead.

15 And you told us what he said in your conversations
16 with Ms. Houle?

17 THE WITNESS: Yes, your Honor.

18 THE COURT: Anything else said at the meeting?

19 THE WITNESS: There was one other thing about his --
20 he brought out -- at some point during the conversation, he
21 brought up -- he told us that we have to understand that he
22 still has family in Lebanon, and I took that to mean that he
23 feared some retribution against his family by Hezbollah if they
24 knew he was talking to the United States Government in the
25 United States.

J59KKOU2

Battista - Direct

1 MS. HOULE: May I proceed, your Honor?

2 THE COURT: Yes.

3 BY MS. HOULE:

4 Q. If I could direct your attention, Special Agent, to your
5 following meeting with the defendant.

6 Was that on April 7, 2016?

7 A. Yes.

8 THE COURT: How did the meeting on April 6th end?

9 THE WITNESS: He agreed to take a call from us at noon
10 the following day.

11 THE COURT: And then you left?

12 THE WITNESS: Yes, sir.

13 THE COURT: And he left?

14 THE WITNESS: Yes, your Honor.

15 THE COURT: Both at the same time?

16 THE WITNESS: I walked Mr. Kourani out, I probably --
17 I went back into the hotel room, and then we left shortly
18 after.

19 THE COURT: Okay. Go on, Ms. Houle.

20 BY MS. HOULE:

21 Q. So, turning to the next day, April 7, 2016, where did you
22 meet with the defendant that day?

23 THE COURT: This is 2015?

24 MS. HOULE: 2016, your Honor.

25 THE COURT: '16?

J59KKOU2

Battista - Direct

1 Q. Where did you meet with the defendant that day?

2 A. It was at a restaurant in Chicago called Revolution Brewing
3 Company.

4 Q. Why did you meet with the defendant at a public place this
5 time?

6 A. We had met with Mr. Kourani a couple of times previously.

7 Obviously, those meetings were at a hotel room, and we felt
8 that Mr. Kourani was holding back a little bit, so we wanted to
9 change up the environment.

10 Q. Was anyone else present for your meeting with the defendant
11 that day?

12 A. Yes. The same two individuals.

13 Q. You said that Husam Kourani came up in your conversations
14 with the defendant?

15 A. Yes.

16 Q. Did you discuss him at this meeting?

17 A. Yes.

18 Q. What did the defendant say about Husam Kourani?

19 A. So Ali Kourani described Husam Kourani as a former soldier
20 of Hezbollah who was approached by the United States Government
21 in the early 2000s. He left suddenly, after being approached
22 by the U.S. Government, and was living in Brazil, as far as he
23 knew.

24 Q. Did you ask the defendant anything in response to his
25 comments about Husam Kourani?

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Battista - Direct

1 A. I did. We asked Mr. Kourani if he could obtain his cell
2 phone or any phone number for Husam Kourani.

3 Q. What did the defendant say?

4 A. He said that he would get it for us.

5 Q. Why did you ask the defendant to get a cell phone number
6 for Husam Kourani?

7 A. At this point, we wanted to see if he would be willing and
8 able to carry out a simple task like getting a phone number.

9 Q. Did the defendant discuss an individual named Hussein
10 Kourani?

11 A. Yes.

12 Q. What was said?

13 A. So out of the blue --

14 THE COURT: Isn't that the one we just talked about?

15 THE WITNESS: No. Sorry, sir. Husam Kourani was an
16 individual that fled to Brazil.

17 THE COURT: How do you spell his first name?

18 THE WITNESS: H-u-s-a-m.

19 THE COURT: Now we're talking about Hussein Kourani?

20 THE WITNESS: Yes, your Honor. This is different than
21 Sheikh Hussein Kourani that we discussed previously.

22 THE COURT: We have discussed three Kouranis?

23 THE WITNESS: Yes, your Honor.

24 THE COURT: We discussed the Sheikh, whose son was
25 married to Ali Kourani's sister?

J59KKOU2

Battista - Direct

1 THE WITNESS: Yes, your Honor.

2 THE COURT: And then we discussed a Kourani who had
3 been approached by the United States?

4 THE WITNESS: Yes, your Honor.

5 THE COURT: Left that subject off, right?

6 THE WITNESS: Yes, your Honor.

7 THE COURT: And then we now have a third Kourani?

8 THE WITNESS: Yes. It's another Hussein Kourani, but
9 it's different than the Sheikh Hussein Kourani.

10 BY MS. HOULE:

11 Q. What did the defendant say about Hussein Kourani?

12 A. So we didn't ask any questions about Hussein Kourani out of
13 the blue. The defendant brought him up and stated that pretty
14 much he knows that he's working for the United States
15 Government, it's obvious that he's working for the United
16 States Government, because he's able to carry on illegal
17 activities with no repercussion by the government.

18 Q. Did you respond to that comment by the defendant?

19 A. I did not.

20 Q. Why not?

21 A. I felt at this time that Mr. Kourani was trying to elicit
22 intelligence from us regarding U.S. Government sources.

23 Q. Did the topic of the CIA come up at this meeting?

24 A. Yes.

25 Q. What was said?

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Battista - Direct

1 A. Mr. Kourani asked us what importance he would be to the FBI
2 when the CIA had already recruited high-ranking members of
3 Hezbollah.

4 Q. Did you respond to that?

5 A. I did not.

6 Q. Why not?

7 A. Again, I felt like he was trying to elicit intelligence
8 from us regarding U.S. Government sources.

9 Q. During your meeting with the defendant, did he say anything
10 about his own interactions with U.S. law enforcement?

11 A. Yes. Mr. Kourani told us that he was feeling stress by
12 U.S. law enforcement in the form of secondary screenings at
13 airports, which are additional interviews when taking flights
14 in from abroad and a delay in both his wife's and brother's
15 citizenship applications.

16 Q. How did this meeting with the defendant end?

17 A. So, at the end of this meeting, I walked Mr. Kourani out of
18 the restaurant. As we were shaking hands to say goodbye, he
19 turned to me and said, it's going to take more than cookies.

20 Q. What did you understand him to mean by that?

21 A. So the previous night, we had given -- at our meeting at
22 the hotel, we had a box of cookies, among other treats, snacks,
23 over the course of the interview, and we told him that he could
24 take the cookies home to give to his daughter or family. So
25 when he referred -- which he took. So when he referred back to

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Battista - Direct

1 the cookies as I was saying goodbye to him after the
2 restaurant, that it would take more than the cookies, I took
3 that as meaning it was going to take more than what we were
4 currently doing to get him to talk about his affiliation with
5 Hezbollah.

6 Q. Turning your attention to April 13, 2016, did you again
7 meet with the defendant that day?

8 A. Yes.

9 Q. Where did that meeting take place?

10 A. That meeting occurred at a Best Western Inn & Suites in
11 Chicago, Illinois.

12 Q. Was anyone else present for the meeting with the defendant?

13 A. Yes, the same two individuals.

14 Q. You testified that at the last meeting, you asked the
15 defendant to obtain a phone number for Husam Kourani?

16 A. Yes.

17 Q. Did you discuss that with him at this meeting?

18 A. We did. We asked him if he was able to get the phone
19 number. He said that he did not get it and claimed that the
20 prospect of getting a phone number for somebody that he hasn't
21 spoken to in years was stressing him out. He didn't want to
22 ask cousins and whoever else he would need to ask for that
23 phone number because he thought that they would see this as --
24 that it would come off as suspicious.

25 Q. At the beginning of the meeting, did the topic of the

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Battista - Direct

1 defendant's wife's citizenship come up?

2 A. Yes.

3 Q. What was said?

4 A. He thanked us for a call that he received from Citizenship
5 and Immigration Services setting up a meeting for his wife for
6 an interview on April 28th.

7 Q. Did you respond when he said that?

8 A. Did not.

9 Q. Did the FBI have any role in setting up an immigration
10 interview for the defendant's wife?

11 A. Yes.

12 Q. Can you explain?

13 A. So there is a member of the New York Joint Terrorism Task
14 Force assigned to Citizenship and Immigration Services. We
15 coordinated with them to see if they would be willing to set up
16 an interview on April 28th.

17 Q. Had the defendant's wife already applied for citizenship?
18 Was she already in that process?

19 A. Yes.

20 Q. Why did you need to coordinate with Citizenship and
21 Immigration Services?

22 A. As FBI agents, we had no say in whether or not anybody gets
23 their citizenship or are in control of these processes at all.

24 Q. During the course of this meeting with the defendant, did
25 you offer him any money?

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Battista - Direct

1 A. We did.

2 Q. How much money?

3 A. \$5,000.

4 Q. Did you have the money there with you at the meeting?

5 A. Yes.

6 Q. What happened with the money?

7 A. So one of my colleagues offered Mr. Kourani the money. He
8 took it in his hand and stated that he didn't expect this much,
9 and he hadn't earned it, and he would have to think about
10 whether or not he was going to take it, and then placed it on
11 the coffee table that was between us.

12 Q. Why did you offer the defendant money at this meeting?

13 A. We wanted to compensate him for the time that he had spent
14 with us so far. He had responded to every request for a
15 meeting and spent hours with us.

16 Q. So the defendant indicated he wasn't interested in that
17 money, but did he indicate that there was anything he was
18 interested in?

19 A. Yes. He stated his wife's citizenship meant more to him
20 than the money.

21 Q. And, again, as an FBI agent, are you able to get the
22 defendant's wife's citizenship in the United States?

23 THE COURT: He's already answered that question.

24 Q. Did you ask the defendant any questions about his
25 association to Hezbollah during this meeting?

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1 A. I did.

2 Q. What did the defendant say?

3 A. Mr. Kourani stated that he would be of no value to
4 Hezbollah because he resided in the U.S.

5 Q. Did the topic of the defendant's last name, Kourani, come
6 up during this meeting?

7 A. Yes. At one point during the interview, Mr. Kourani said
8 that his last name, his family name, is the bin Laden of --
9 they're the bin Ladens of Lebanon.

10 Q. Did the defendant explain what he meant by that at that
11 time?

12 A. Not at this time.

13 THE COURT: Did you have an understanding? Did you
14 have an understanding of what he was saying?

15 THE WITNESS: Yes, your Honor.

16 THE COURT: Did you ask him?

17 THE WITNESS: Not at this meeting. At this point in
18 the interview, the interview was a little bit contentious, so
19 we just let that fall.

20 BY MS. HOULE:

21 Q. How did the interview become contentious?

22 A. So we wanted to discuss Mr. Kourani's insight into the
23 recruiting process of Hezbollah because we felt that he had
24 information regarding that topic. So I asked him about it. He
25 said that, again, that he would have no value because he

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1 resides in the U.S., none of his cousins or family members
2 would be stupid enough to take Hezbollah up on that offer, and
3 that he had no insight into the recruiting process. I told him
4 that I was confident that he does have insight into that
5 process, and it's at that point that he continued to deny it,
6 said that we were coming at him in two different directions,
7 and were reading from two different books.

8 THE COURT: What do you mean by that? What did he
9 mean by that? What did you understand him to mean by that?

10 THE WITNESS: I understood that to mean that we were
11 asking him questions that he didn't have the answer to.

12 THE COURT: What was two different books?

13 THE WITNESS: I think he was alluding to -- it was a
14 little unclear to me at the time, but my thoughts are he was
15 alluding to that we're asking him about personal stories and
16 family members, but we're also asking about the recruitment
17 process and his affiliation with Hezbollah, and that those were
18 the two books. That was my best understanding of it.

19 BY MS. HOULE:

20 Q. Did the topic of the CIA come up during this meeting?

21 A. It did.

22 Q. What was said?

23 A. So, again, Mr. Kourani reiterated the thought that why
24 he -- he wouldn't be of any value to the FBI because the CIA
25 has already recruited high-ranking members of Hezbollah.

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1 Q. Did you respond?

2 A. I did not.

3 Q. Why not?

4 A. Again, because I felt that he was trying to elicit
5 intelligence from us regarding U.S. Government sources.

6 MS. HOULE: Ms. Shields, if you could please bring up
7 Government Exhibit 109, which is already in evidence.

8 Q. Special Agent, who is that a photo of?

9 A. This is Mohammad Shawraba.

10 Q. Did Mohammad Shawraba come up during your meeting with the
11 defendant?

12 A. He did.

13 Q. What was said?

14 A. Mr. Kourani said, in addition to his point about CIA, he
15 brought up that Mohammad Shawraba was responsible for Hezbollah
16 operations being disrupted.

17 Q. Did you have any discussion --

18 MS. HOULE: You can take that down, Ms. Shields.
19 Thank you.

20 Q. Did you have any discussion with the defendant about --

21 THE COURT: Sorry. He was responsible for what? He
22 said Shawraba being responsible for Hezbollah being disrupted?

23 THE WITNESS: Their operations being disrupted, yes,
24 your Honor.

25 THE COURT: Is this in connection with some turning or

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1 flipping of --

2 THE WITNESS: Yes, your Honor.

3 THE COURT: Tell us.

4 THE WITNESS: So, assessed by intelligence community
5 that Mr. Shawraba was recruited and is responsible for relaying
6 information that disrupted operations --

7 THE COURT: That's what he told you?

8 THE WITNESS: -- by the U.S. Government.

9 THE COURT: Is that what he told you?

10 THE WITNESS: He did not.

11 THE COURT: You just knew this?

12 THE WITNESS: I knew this, yes, your Honor.

13 THE COURT: So he brought up the name?

14 THE WITNESS: Yes.

15 THE COURT: What did he say?

16 THE WITNESS: Exact -- he didn't expand on it anymore.

17 THE COURT: What do you remember he said?

18 THE WITNESS: He simply stated that after he talked
19 about CIA recruiting high-ranking members of Hezbollah, he said
20 that Mohammad Shawraba specifically was responsible for
21 disrupted operations.

22 THE COURT: And you let it drop?

23 THE WITNESS: Yes, your Honor.

24 BY MS. HOULE:

25 Q. Did you discuss with the defendant the FBI's investigation

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1 into him?

2 A. Yes.

3 Q. What did you say?

4 A. Well, at this point, I asked Mr. Kourani how he foresees
5 his life going if there's a more overt investigation of him,
6 which would entail interviews of family, friends, associates.
7 And he responded to bring it on because he had nothing to hide.

8 Q. Before this meeting ended, did you show the defendant any
9 photographs?

10 A. I did.

11 Q. I'm showing you what's been marked for identification as
12 Government Exhibit 809. If you could take it out of that
13 envelope and look at that document.

14 What is that?

15 A. These are the photos that I showed Mr. Kourani on
16 April 13th.

17 MS. HOULE: The government offers 809.

18 MR. SCHACHT: No objection.

19 THE COURT: Received.

20 (Government's Exhibit 809 received in evidence)

21 MS. HOULE: Ms. Shields, if you could please bring up
22 that exhibit on the screen. And if you could zoom in on the
23 photo there --

24 THE COURT: How will you identify each of the photos?
25 By page number?

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1 MS. HOULE: By page number, your Honor. This is
2 page 1.

3 THE COURT: Could I indulge you just two minutes?
4 Stay in your places.

5 (Pause)

6 THE COURT: Continue, Ms. Houle.

7 MS. HOULE: Thank you, your Honor.

8 BY MS. HOULE:

9 Q. Special Agent, we were talking about the meeting that you
10 had with the defendant on April 13, 2016, and we were just
11 about to review a series of photographs that you showed the
12 defendant at that meeting; is that right?

13 A. Yes.

14 Q. So this is page 1 of that series. Who is shown on the
15 screen here?

16 A. This is Fadi Kassab.

17 Q. What --

18 A. Say that again.

19 THE WITNESS: Fadi Kassab.

20 THE COURT: Spell those names.

21 THE WITNESS: K-a-s-s-a-b, the last name. F-a-d-i is
22 the first name, your Honor.

23 THE COURT: Thank you.

24 BY MS. HOULE:

25 Q. What did the defendant say when you showed him this photo

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1 of Fadi Kassab?

2 A. Mr. Kourani stated that he recognized this individual from
3 the stop910 website, but he didn't remember his name, but
4 specifically remembers showing both his brother and father this
5 photo because he recognized him from their hometown of Yater.

6 Q. What is the website stop910?

7 A. So stop910 is a website that publicizes known IJO
8 operatives.

9 MS. HOULE: Ms. Shields, could you please turn to page
10 4 of this exhibit. And if you could zoom in on the picture.

11 Q. Special Agent, what is the name of the person shown on that
12 photo?

13 A. This is Majed Abdullah.

14 Q. What did the defendant say when you showed him this photo?

15 A. Mr. Kourani said that he did not recognize this individual.

16 MS. HOULE: Ms. Shields, if you could turn to page 6,
17 please. And zoom in on the picture.

18 BY MS. HOULE:

19 Q. Who is that a photo of?

20 A. This is a photo of Mustafa Badreddine.

21 Q. Who is that?

22 A. He is a -- was a leader in Hezbollah IJO.

23 Q. What did the defendant say when you showed him this photo?

24 A. When we showed him this photo, he stated that he recognized
25 this individual, said he was a big guy, meaning a high rank, in

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1 Hezbollah, who had the same status of Imad Mughnayeh, but he
2 did not recall his name.

3 Q. And who is Imad Mughnayeh?

4 A. Imad Mughnayeh is a former leader of Hezbollah IJO that was
5 killed in February 2008.

6 Q. How did this interview of the defendant end?

7 A. The interview ended fine, even though it got contentious
8 during it. He agreed to meet with us the following day.

9 Q. So, turning your attention to that following day --

10 MS. HOULE: You can take that down. Thank you,
11 Ms. Shields.

12 Q. Turning your attention to that following day, April 14,
13 2016, did you meet with the defendant that day?

14 A. I did.

15 Q. And where did that meeting take place?

16 A. This meeting took place at Garfield Conservatory, which is
17 a public park in Chicago.

18 Q. Who was present for your meeting with the defendant?

19 A. This was a meeting with only myself.

20 Q. Why did you meet with the defendant alone this time?

21 A. Because the meeting we had the night before had gotten a
22 little contentious, we wanted to build back rapport with
23 Mr. Kourani, and we felt that a one-on-one meeting was the best
24 way to do so.

25 Q. At the beginning of the meeting, did you and the defendant

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Battista - Direct

1 discuss why he had agreed to meet with the FBI?

2 A. Yes. Mr. Kourani stated that when we had first approached
3 him, he thought that this would be a good opportunity to
4 relieve some of the pressure that he's felt over the years and,
5 again, alluded back to the secondary screenings at the airport
6 and the delay in his family's citizenship application.

7 Q. Did you respond to that?

8 A. No.

9 Q. Did you offer the defendant any money during this meeting?

10 A. Yes.

11 Q. How much money?

12 A. \$2,000.

13 Q. What happened with the money?

14 A. So I offered it to Mr. Kourani. He refused to take it,
15 said he didn't know if it was a cultural thing, but even if he
16 was in dire need of money, he wouldn't take it from -- wouldn't
17 even ask family for it, and then he told me that I could give
18 the money to my boss.

19 THE COURT: Going back to April 13, when you said you
20 offered him \$5,000, and he put it on the table --

21 THE WITNESS: Yes, your Honor.

22 THE COURT: -- what happened at the end of the
23 meeting?

24 THE WITNESS: He did not take it.

25 THE COURT: So you took it back?

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1 THE WITNESS: Yes, your Honor.

2 BY MS. HOULE:

3 Q. Why did you try and provide the defendant with money again
4 during this meeting when he had refused it during your prior
5 meeting?

6 A. At the prior meeting, he stated that this was too much
7 money, that he hadn't earned that much, so we gave him a lesser
8 amount.

9 Q. And what was the purpose of trying to give the defendant
10 money?

11 A. Again, it was to indicate to him that his -- to compensate
12 him for his time. His time was valuable to him, it was
13 valuable to us.

14 Q. Did you discuss any other topic with the defendant during
15 this meeting?

16 A. We just discussed various topics. We were actually near a
17 coy pond, so the topic of fishing came up, which led to
18 hunting. We talked about family, music. That's about it.

19 Q. At the end of the meeting, did the defendant indicate
20 whether he was willing to speak with the FBI again?

21 A. Yes. He agreed to meet with us the next week.

22 Q. If I could direct your attention to April 20th, 2016.

23 Did you meet with the defendant that day?

24 A. I did.

25 Q. Where did that meeting take place?

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1 A. This meeting took place in Horner Park, Chicago.

2 Q. Is that a public park?

3 A. Yes.

4 Q. Was anyone else present during this meeting with the
5 defendant?

6 A. The same two individuals from previous meetings.

7 Q. At the beginning of this --

8 THE COURT: The same two people on your side?

9 THE WITNESS: Yes.

10 THE COURT: You and somebody else?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: Who was the other person?

13 THE WITNESS: Another agent and another member of a
14 U.S. intelligence agency.

15 BY MS. HOULE:

16 Q. At the beginning of the meeting, did you say anything to
17 the defendant about the information he had provided in the
18 prior meetings?

19 A. Yes. We started the interview and told him that his
20 discussions about stop910, and his knowledge about Hezbollah
21 IJO operatives, as well as his claim that his family is the bin
22 Ladens of Lebanon was an indication that he was paving the way
23 to want to talk about his affiliation with Hezbollah, and now
24 is the time to talk about it.

25 Q. So when you brought up the website stop910, how did the

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1 defendant respond?

2 A. He responded by saying that everybody in Lebanon knows
3 about the website stop910 because it's always broadcast through
4 the media.

5 Q. When you brought up this comment about his family being the
6 bin Ladens of Lebanon, how did he respond to that?

7 A. He asked us what we wanted to do about him having family
8 members that are part of Hezbollah, it's beyond his control,
9 and there was nothing he could do about it.

10 Q. What was the tone of this meeting?

11 A. It was, again, contentious. He said that we were -- he
12 took these meetings as harassment. He had spent a lot of time
13 with us and relayed some personal stories.

14 Q. Did you bring anything to this meeting --

15 A. I did.

16 Q. -- to discuss with the defendant?

17 A. Yes.

18 Q. What did you bring with you?

19 A. So we brought with us a blank proffer agreement.

20 Q. What's a proffer agreement?

21 A. A proffer agreement is something that can be executed
22 between defense counsel and prosecutors that would ensure that
23 the subject was not held liable for their statements.

24 Q. As an FBI agent, are you able to execute a proffer
25 agreement?

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1 A. No.

2 Q. Then why did you bring one with you?

3 A. We assessed, at this point, that one of the things that was
4 holding Mr. Kourani back from telling us the truth about his
5 affiliation with Hezbollah was fear of being held liable for
6 his statements, and we wanted to bring him an example of the
7 paperwork to show him that such agreements can be executed.

8 Q. Were you able to show the defendant the proffer agreement?

9 A. No. It was in an envelope when we brought it. I began to
10 tell Mr. Kourani that we brought him paperwork to look at that
11 would serve as an example of what I just described, but those
12 were pretty much the only words that I got out of my mouth.
13 And for the first time, during all of our meetings with
14 Mr. Kourani, he cussed and said that he doesn't want to look at
15 any bullshit paperwork.

16 THE WITNESS: Sorry, your Honor.

17 THE COURT: That's okay. I heard that word before.

18 BY MS. HOULE:

19 Q. Had the defendant previously said anything to you about
20 being concerned about his statements being used against him?

21 A. Again, we asked Mr. Kourani how he saw his life going if
22 this investigation became more overt or intrusive, and, again,
23 he said we can bring it.

24 Q. How did the meeting end?

25 A. So the meeting ended with him walking away from the -- we

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1 were seated at a picnic table. He walked away, but agreed that
2 he would keep the phone that we had provided him and would call
3 us if he ever decided to talk to us about the things that we
4 wanted to discuss.

5 Q. I'd like to turn your attention to August 9th of 2016. Is
6 that the next time that you met with the defendant?

7 A. Yes.

8 Q. Where did that meeting take place?

9 A. This meeting occurred at the U.S. Embassy in Beirut,
10 Lebanon.

11 Q. Why had you traveled to Beirut, Lebanon?

12 A. At this point, Mr. Kourani was seeking U.S. Government
13 assistance in traveling back to the United States.

14 Q. What did you understand about what type of assistance the
15 defendant was seeking?

16 A. Mr. Kourani's passport was taken by the State Department
17 when he came in looking for assistance.

18 Q. The first time that he came in looking for assistance, what
19 was he asking for?

20 A. There was a family dispute that had happened in Lebanon,
21 and he was looking for the U.S. Government to intercede and
22 help him out in some way.

23 THE COURT: Tell us how this came about. Were you in
24 Lebanon in August of 2016 before this meeting?

25 THE WITNESS: No.

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1 THE COURT: Someone told you something?

2 THE WITNESS: Yes, your Honor.

3 THE COURT: Relaying a conversation from Mr. Kourani?

4 THE WITNESS: We had found out that he had reported --
5 that he had gone to the embassy from the State Department and
6 that he was seeking assistance.

7 THE COURT: And you decided to go to Lebanon?

8 THE WITNESS: Yes, your Honor.

9 THE COURT: And then the meeting comes about?

10 THE WITNESS: Yes, your Honor.

11 THE COURT: Go ahead.

12 BY MS. HOULE:

13 Q. Was anyone else present for your meeting with the defendant
14 that day?

15 A. Yes. There was another special agent and a member of a
16 U.S. intelligence agency.

17 Q. And the special agent, was he from the FBI?

18 A. Yes.

19 Q. What's his name?

20 A. Special Agent Joseph Costello.

21 Q. How did that meeting begin?

22 A. So that meeting began with Mr. Kourani walking into the
23 room, we greeted each other, and he said that he wasn't
24 surprised to see me there.

25 Q. Did you respond?

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1 A. I just told him that he probably shouldn't be surprised at
2 this point.

3 Q. Did you discuss with the defendant his affiliation with
4 Hezbollah?

5 A. Yes.

6 Q. What did he say?

7 A. Again, he continued to deny any affiliation with Hezbollah,
8 and that he was too smart to be recruited by the group.

9 Q. Was there any discussion at this meeting of the defendant's
10 family members?

11 A. Yes.

12 Q. Did the defendant discuss an individual named Kassem
13 Kourani?

14 A. He did.

15 Q. K-a-s-s-e-m K-o-u-r-a-n-i?

16 A. Yes, he did.

17 Q. What did he say?

18 A. He stated that Kassem Kourani is his brother who is the
19 face of Hezbollah and a political leader in Yater, Lebanon.

20 MS. HOULE: Ms. Shields, could you please bring up
21 Government Exhibit 227, which is already in evidence.

22 Q. Who is the person shown on this authorization card?

23 A. This is Kassem Kourani.

24 Q. Did the defendant discuss an individual named Mahmoud
25 Kourani?

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1 A. Yes. He stated that Mahmoud Kourani was a cousin of his
2 and acknowledged our arrest, the FBI Detroit office's arrest,
3 of Mahmoud Kourani for material support to terrorism in the
4 early 2000s.

5 MS. HOULE: Ms. Shields, could you please bring up
6 Government Exhibit 115, which is also already in evidence.

7 Q. Who is that?

8 A. That is Mahmoud Kourani.

9 Q. Did the defendant discuss an individual named Maher
10 Kourani, M-a-h-e-r?

11 A. Yes.

12 Q. What did the defendant say about Maher Kourani?

13 A. He stated that Maher Kourani is another cousin of his who
14 is also affiliated with Hezbollah.

15 Q. Did the defendant say anything during this meeting about
16 his prior interactions with the FBI?

17 A. Yes. He stated that we're trying to frame him and put
18 words in his mouth.

19 Q. And did he say anything about whether or not he had been
20 candid in the past?

21 A. Yes. He stated that he had been honest with us 90 percent
22 of the time.

23 I asked him what about the remaining 10 percent, with
24 which he responded that nobody can remember everything that
25 they tell somebody, and he doesn't remember what he's lied to

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1 us about or otherwise omitted.

2 Q. Did you have any discussion with the defendant about
3 meeting with him in the future?

4 A. Yes.

5 Q. What did he say?

6 A. He told us that he would be willing to talk to us for hours
7 about Hezbollah back in the United States. I told him that for
8 us to take him up on that offer, we would want to hear
9 something meaningful from him right now. So he told us to go
10 ahead and ask a question. At that point, I asked him who he
11 reported to in Hezbollah. He said he doesn't report to anybody
12 in Hezbollah because he's not a member.

13 Q. How did the meeting end?

14 A. The meeting ended with me telling Mr. Kourani that this was
15 his last chance to cooperate with the U.S. Government in this
16 investigation. He said, that's fine, he has nothing further to
17 say.

18 Q. Did you tell the defendant what that cooperation would need
19 to entail?

20 A. I did not.

21 Q. Was the defendant provided anything before he left?

22 A. Yes. We gave him his U.S. passport back.

23 Q. In the weeks following this August meeting with the
24 defendant in Beirut, Lebanon, did the defendant attempt to
25 travel out of Lebanon?

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1 A. Yes.

2 Q. Was he able to travel?

3 A. Not on his first try, no.

4 MS. HOULE: Ms. Shields, could you please pull up
5 Government Exhibit 401-D-12, which is already in evidence. And
6 if you could zoom in on the email portion of this.

7 Q. Special Agent, what's the date of this email?

8 A. The date is August 18, 2016.

9 Q. So that's after your meeting with the defendant, right?

10 A. Yes.

11 Q. Your meeting was on August 9th?

12 A. Yes.

13 Q. Who is it from?

14 A. It is from Beirut ACS, which stands for American Citizen
15 Services.

16 Q. Who is it to?

17 A. It's to Mr. Kourani.

18 Q. And what is the subject listed?

19 A. The subject is "Instructions On Your Return Home."

20 Q. The email reads, "Attached please see the instructions per
21 our phone conversation."

22 Who signed this email?

23 A. This is signed by Lidia Avakian, the consul of American
24 Citizen Services.

25 Q. What is listed below?

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1 A. U.S. Embassy Beirut.

2 MS. HOULE: Ms. Shields, if you could please turn to
3 the attachment of this email. And if you could zoom in on the
4 top third.

5 Q. What was attached to this email?

6 A. It's a letter from the Embassy of the United States of
7 America to Mr. Kourani.

8 Q. And what is the instruction provided in this letter?

9 A. It states: "This is in response to your report to the
10 U.S. Government about travel difficulties that you experienced
11 in Beirut, Lebanon, on August 13, 2016. In order to expedite
12 your return to the United States, we encourage you to make new
13 travel arrangements using the following guidelines."

14 Q. Does the letter go on to describe what Mr. Kourani should
15 do to return to the United States?

16 A. Yes.

17 MS. HOULE: I'd like to pull up the reply to this
18 email. Ms. Shields, if you could pull up Government Exhibit
19 401-D-14. And if you could zoom in on the top portion of the
20 email, Ms. Shields. Thank you.

21 Q. What is the date of this email?

22 A. August 18, 2016.

23 Q. And the time?

24 A. 1:18 p.m.

25 Q. And who is it from and to?

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1 A. It's from Mr. Kourani to Beirut ACS.

2 Q. And what does Mr. Kourani indicate to --

3 MS. HOULE: Ms. Shields, if you could zoom in a little
4 more, actually, so we can see. I'm sorry, zoom out, so that we
5 can see that this is in response to the prior email we
6 reviewed.

7 Q. So he's writing to Lidia, who's the person from the embassy
8 in the email that we just reviewed, Special Agent?

9 A. Yes.

10 Q. And what does he write to Lidia?

11 A. He says: "Hi Lidia. Thank you for following up with me.
12 I don't think I will be going back home soon since my kids will
13 be leaving to Canada, and I will be filing for divorce.
14 Hopefully, my long trip abroad will not affect the instructions
15 mentioned in this email. I also owe you a drink for your
16 services and good caring. Thank you, Ali Kourani."

17 MS. HOULE: Thank you, Ms. Shields. You can take that
18 down.

19 Q. Just one more topic for you, Special Agent. You said that
20 you met with the defendant at the U.S. Embassy in Beirut. When
21 an embassy sends a communication to another part of the
22 U.S. Government, what is that communication called?

23 A. A cable.

24 Q. Are you familiar with cables in your work as an FBI agent?

25 A. Yes.

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1 Q. Just in terms of the format of a cable, what is typically
2 listed at the top?

3 A. At the top, on the header, is a date, a number assigned to
4 that cable, and the origin of that cable.

5 Q. And below that, is the date of the cable typically listed
6 in full?

7 A. Yes.

8 Q. Can cables be marked as classified by the U.S. Government?

9 A. Yes.

10 Q. What does it mean for a document to be marked classified?

11 A. So there are various levels of classification in the
12 U.S. Government, ranging from unclassified to top secret, based
13 upon the damage that it could cause to the United States if
14 that information was leaked to the public.

15 Q. And secret, is that a type of classification that a
16 document could be marked as?

17 A. Yes.

18 Q. What does that mean, for something to be marked as secret?

19 A. If something is marked as secret, that means that if this
20 information was leaked, it could cause severe damage to the
21 United States.

22 Q. What about the designation "NOFORN," N-O-F-O-R-N?

23 A. "NOFORN" is a caveat to the classifications that states
24 that this document should not be released to any foreign
25 nationals.

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Battista - Direct

1 MS. HOULE: Ms. Shields, if you could please pull up
2 Government Exhibit 302-T, which is already in evidence. And if
3 you could turn to page 4, please. And, Ms. Shields, if you
4 could zoom in on the top two rows of this report from the
5 Internet Evidence Finder.

6 Q. Special Agent, I'm focusing you on the translation column,
7 all the way over to the right. At the top, there is listed --

8 MS. HOULE: And if you highlight this, Ms. Shields.

9 Q. -- "08 Beirut 237."

10 What does that indicate to you about what type of
11 document this is?

12 A. It indicates that this is a cable.

13 Q. And what is the date of the cable listed?

14 A. The date is February 14th, 2008.

15 Q. What is listed below that?

16 A. Origin: Embassy Beirut.

17 Q. What does that indicate?

18 A. It indicates that this cable came from the U.S. Embassy in
19 Beirut, Lebanon.

20 MS. HOULE: Ms. Shields, if you could highlight the
21 line that begins with "Classification." And, yes, continue
22 into the header. Thank you.

23 Q. So it says "Classification: Secret." What does that
24 indicate?

25 A. That indicates if this information were leaked to the

J59KKOU2

Battista - Direct

1 public, that it could cause serious damage to the U.S. national
2 security.

3 Q. And written after that is N-O-F-O-R-N. Is that the NOFORN
4 classification that you just referenced?

5 A. Yes.

6 Q. What does that mean again?

7 A. It means it should not be given to any foreign nationals.

8 MS. HOULE: Ms. Shields, if you could remove the
9 highlighting, and I am just focusing now on the entry below
10 that. If you could highlight the first line, Ms. Shields.

11 Q. Special Agent, what does that line indicate to you?

12 A. Again, it indicates that this is a cable.

13 Q. What is the date of the cable?

14 A. The date is February 19th, 2008.

15 Q. What is listed as the origin of the cable?

16 A. Origin is "Embassy: Beirut," meaning U.S. Embassy in
17 Beirut, Lebanon.

18 Q. What's listed as the classifications?

19 A. Classification is secret, NOFORN.

20 MS. HOULE: Thank you, your Honor. No further
21 questions.

22 THE COURT: Cross-examination, Mr. Schacht?

23 MR. SCHACHT: If you wouldn't mind, could you please
24 put the exhibit we just had up on the screen back up, please.
25 Thank you very much.

J59KKOU2

Battista - Cross

1 CROSS-EXAMINATION

2 BY MR. SCHACHT:

3 Q. Agent Battista, what this shows is somebody's Safari search
4 history; is that right? Or part of it, I should say?

5 A. Yes.

6 Q. And in the left-hand side, you could see that -- where it
7 says HTTP --8 MR. SCHACHT: If you could please zoom in just on the
9 top line, please.10 Q. -- that is -- the URL there is a newspaper called
11 Al-Akhbar, A-l hyphen A-k-h-b-a-r. That's a newspaper dot-com;
12 is that right?

13 A. I don't know.

14 Q. And what is found at that URL, according to this document,
15 is some document that at some point, according to this, had
16 some secret categorization; is that right?

17 A. It looks to be.

18 Q. So you didn't look this up to see what this is?

19 A. Not the cable itself, no.

20 Q. Are you aware that this was a document that was released
21 and made public by WikiLeaks, that that's what the actual
22 document is?

23 A. No.

24 Q. And it's reprinted in a public newspaper; are you aware of
25 that?

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Battista - Cross

1 A. No.

2 Q. And it's an article about Lebanese officials meeting with
3 people in the U.S. Embassy in Beirut, Lebanon. Are you aware
4 of that?

5 A. No.

6 Q. Do you have any idea why, if you don't know what this is,
7 the government is offering this in evidence?

8 MS. HOULE: Objection.

9 THE COURT: Sustained.

10 Q. Are you aware of this having any relevance to whether or
11 not my client --

12 MS. HOULE: Objection.

13 Q. -- is guilty or not?

14 THE COURT: Sustained.

15 MR. SCHACHT: I'll reask the question.

16 THE COURT: Mr. Schacht -- just a minute, Mr. Schacht.
17 If you feel that the document should not have been admitted,
18 you should have made an objection. If you needed some facts to
19 support --

20 MR. SCHACHT: Judge.

21 THE COURT: Just a minute, Mr. Schacht.

22 -- to support an objection, you should have asked for
23 a voir dire. I make the rulings on admissibility. The
24 government, in its strategy, expressed by the assistants here,
25 make a decision what documents to put in, and when, and how.

J59KKOU2

Battista - Cross

1 Each attorney has its own concept of relevance. If challenged,
2 I make the ruling, and that ruling stands.

3 So questions as to why something is done or whether
4 it's relevant or not, these are not for the witness, these are
5 for the Court, and you should pay no attention to this
6 whatever.

7 Go ahead, Mr. Schacht?

8 MR. SCHACHT: I agree, Judge.

9 THE COURT: I'm not asking your agreement or not.

10 MR. SCHACHT: That's why I didn't --

11 THE COURT: It doesn't make any difference to me if
12 you agree or not. Go on, ask the next question.

13 BY MR. SCHACHT:

14 Q. Do you know what this document is?

15 A. Other than a cable, no.

16 THE COURT: Mr. Schacht, in his questions, has assumed
17 certain facts. Just because he has facts in his question
18 doesn't make them so. Evidence is what the witness responds
19 responsive to the question, and anything that's in a question
20 is not evidence.

21 BY MR. SCHACHT:

22 Q. Do you remember a little earlier you talked about a person
23 named Mohammad Shawraba?

24 A. Yes.

25 Q. And you said that Ali Kourani had told you that Mohammad

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Battista - Cross

1 Shawraba was a person who was in Hezbollah, but who was an
2 informant for certain intelligence agencies, my client thought?

3 A. No.

4 Q. What did my client say he thought Mohammad Shawraba --
5 withdrawn.

6 What did my client say who he thought Mohammad
7 Shawraba was?

8 A. He stated that Mohammad Shawraba was responsible for
9 Hezbollah operations being disrupted.

10 Q. Disrupted on behalf of whom, did he say?

11 A. No.

12 Q. Have you personally been aware that Mohammad Shawraba, his
13 name has been in The New York Times as an Israeli informant?

14 A. Not specifically, no.

15 Q. You're aware that he's been named in major world media as
16 an Israeli informant, though, right?

17 A. Yes.

18 Q. You testified a few minutes ago that Ali Kourani told you
19 that his brother, Kassem, had been or was a member of
20 Hezbollah. Is that what he said, my client?

21 A. Yes.

22 Q. As part of your investigation, you know that his brother,
23 Kassem, for some period of time, lived in New York City with
24 Ali Kourani, right?

25 A. Partially true. I knew he lived in New York City, yes.

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Battista - Cross

1 MR. SCHACHT: Thank you very much. I have no other
2 questions.

3 THE COURT: Redirect?

4 MS. HOULE: No. Thank you, your Honor.

5 THE COURT: Thank you. You are excused.

6 THE WITNESS: Thank you, your Honor.

7 (Witness excused)

8 THE COURT: Next witness.

9 MR. BOVE: The government calls Gregory Psoinos.

10 GREGORY PSOINOS,

11 called as a witness by the Government,

12 having been duly sworn, testified as follows:

13 THE WITNESS: Gregory Daniel Psoinos. The last name
14 is spelled P-s-o-i-n-o-s.

15 MR. BOVE: May I inquire, Judge?

16 THE COURT: Yes.

17 THE DEPUTY CLERK: Could you spell your last name
18 again?

19 THE WITNESS: P-s-o-i-n-o-s.

20 THE DEPUTY CLERK: Thank you.

21 THE WITNESS: Sorry.

22 THE COURT: How is it correctly pronounced?

23 THE WITNESS: Psoinos.

24 THE COURT: Psoinos.

25 Go ahead, Mr. Bove.

J59KKOU2

Psoinos - Direct

1 MR. BOVE: Thank you, Judge.

2 DIRECT EXAMINATION

3 BY MR. BOVE:

4 Q. Mr. Psoinos, where do you work?

5 A. I work in Albany, New York, at the New York National Guard
6 headquarters.

7 Q. What is the National Guard?

8 A. The National Guard is a federal and state military force.

9 It has a federal mission overseas, and it has a state mission
10 of defense domestically.

11 Q. What is the federal mission overseas of the National Guard?

12 A. When times of war or need of the government, they will
13 activate them as a federal force and deploy them overseas to
14 combat theaters for -- for support missions.

15 Q. You mentioned a state mission as well?

16 A. By order of the state, they could be called up for domestic
17 operations, civil support operations, where they will -- at the
18 governor's need, they'll help the emergency management for the
19 state and the local authorities respond to disasters.

20 Q. To things like natural disasters?

21 A. Natural disasters and man-made disasters.

22 Q. When did you start working for the National Guard?

23 A. I started working for the National Guard in 2007.

24 Q. What did you do for work prior to joining the National
25 Guard?

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Psoinos - Direct

1 A. I served 11 years in the army, and I worked for Southwest
2 Airlines after I retired for about a year, and then I got the
3 job working for the National Guard.

4 Q. What did you do during your service in the army?

5 A. I was a combat infantryman and a sniper, and I worked in
6 combat units.

7 Q. What's your title right now at the National Guard?

8 A. I am the state's antiterrorism program manager, and I'm the
9 senior field intelligence officer for the New York National
10 Guard.

11 Q. What do you do in your work as the antiterrorism program
12 manager?

13 A. As the antiterrorism program manager, we look at our
14 facilities proactively and our policies, how we protect our
15 facilities from known or suspected terrorist threats, we look
16 at the threat trends, and from there, we advise the senior
17 commanders on actions to take to protect them.

18 Q. You said that you're also serving as the senior field
19 intelligence officer?

20 A. Yes. As an alternate role, I communicate with the law
21 enforcement agencies outside the organization at the federal,
22 state, and local level, mostly the counterterrorism intel units
23 and the crime intelligence units. And I work as a conduit, I'm
24 a consumer of information for the bosses, and what we see there
25 is we look at the trends that are happening around our

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Psoinos - Direct

1 facilities nationally and internationally, and we apply --

2 Q. When you say "our facilities," are you referring to
3 National Guard facilities?

4 A. National Guard facilities, yes.

5 Q. Are you participating right now in any advisory councils?

6 A. I chair the New England Region force protection advisory
7 council. It is all of New England plus New York and New
8 Jersey.

9 Q. You just used the term "force protection." What does that
10 mean?

11 A. Force protection is -- it is an umbrella of all security
12 matters that the military uses. So it's different types of
13 security all under one umbrella to make sure that the programs
14 are all coordinated and synchronized.

15 Q. The objective is to protect the force?

16 A. Yes.

17 Q. Have you received any training relating to physical
18 security since joining the National Guard?

19 A. Yes. I attended at least -- well, two army schools, four
20 weeks' worth of physical security training, and I attended four
21 or five antiterrorism officer courses. There are different
22 titles. Some are army, and some are the Department of Defense,
23 and some of them are DHS-run schools.

24 Q. Are you familiar with the 369th Regiment Armory in Harlem?

25 A. Very familiar.

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Psoinos - Direct

1 MR. BOVE: Ms. Shields, if you could please bring up
2 Government Exhibit 9 on the left. And zoom in a bit, so we can
3 see the map a little bit. On the right, bring up page 2 of
4 Government Exhibit 803, please. Zoom in on the photo. Thank
5 you.

6 Q. Mr. Psoinos, do you recognize that photo on the right?

7 A. Yes. That's the Harlem Fifth Ave Armory, the 369th
8 Sustainment Brigade.

9 Q. What, if anything, symbolic value does this armory have?

10 MR. SCHACHT: Objection.

11 THE COURT: Sustained.

12 Q. How did this armory come into being?

13 A. The armory was built after World War I when the 369th
14 infantry regiment, the Harlem Hellfighters, returned from
15 overseas, and it served as their home as the New York National
16 Guard.

17 Q. What, if any, military unit is headquartered at this armory
18 today?

19 A. The 369th Sustainment Brigade is headquartered there.

20 Q. What's a sustainment brigade?

21 A. A sustainment brigade is a larger level command that has
22 several battalions assigned under it, and their primary
23 function is to -- its logistics is taking care of the soldiers
24 that are forward-fighting. For every one soldier firing a
25 rifle, there's about six soldiers that support them, get them

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Psoinos - Direct

1 the food, fuel, bullets, medics.

2 Q. Those six soldiers that you just referenced, they're part
3 of the sustainment brigade?

4 A. They're the sustainment brigade.

5 Q. About how many service members are a part of the 369th
6 Sustainment Brigade?

7 A. A brigade is a very large unit, but in this facility, it's
8 about 700 people, a little over 700.

9 THE COURT: By "this facility," which one? On 2365
10 Fifth Avenue?

11 Q. Is that the location of the Harlem armory we're talking
12 about?

13 THE WITNESS: Yes, your Honor.

14 Q. You mentioned the Harlem Hellfighters a moment ago. Are
15 they deployed abroad to fight military conflicts?

16 A. They have.

17 Q. What are some of the conflicts?

18 A. They served in every theater since their inception -
19 World War II, Korea, Vietnam, and, most recently, Afghanistan
20 and Iraq.

21 Q. What are some of the ways that this armory on the screen is
22 used right now?

23 A. The armory has two purposes. We lease out part of the
24 building to a civilian organization, the Harlem Children's
25 Foundation, Harlem Children's -- and there, they are a

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Psoinos - Direct

1 preparatory or afterschool program to help kids from K through
2 12 prepare for college and be successful.

3 The front half that you're looking at there, that's
4 where our administrative offices are, and although the National
5 Guard is a weekend -- one weekend a month activity, they do a
6 full-time staff that's required in order to maintain the
7 training, the pay, the promotions, the schools, and plan for
8 national defense missions and domestic missions. So there's
9 continuous work.

10 Q. Is equipment --

11 MR. SCHACHT: I'm sorry. Objection, your Honor.

12 THE COURT: Overruled.

13 Q. Is equipment stored at this facility?

14 A. Yes.

15 Q. What kinds of equipment?

16 A. Everything from arms to vehicles.

17 Q. Is this a headquarters facility for the brigade?

18 A. It's a headquarters for the brigade.

19 Q. What does that entail?

20 A. The headquarters is where the command staff would work out
21 of.

22 Q. About how many military personnel are at this armory on a
23 typical day?

24 A. Around 70.

25 Q. A moment ago, you mentioned monthly drilling obligation of

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Psoinos - Direct

1 National Guard personnel?

2 A. Yes.

3 Q. How often does that happen at this armory?

4 A. One weekend a month.

5 Q. About how many personnel from the National Guard
6 participate in those drills?

7 A. It would be around 700.

8 Q. Now, are you familiar with the 69th Regiment Armory in
9 Manhattan?

10 A. Yes, very familiar.

11 MR. BOVE: Ms. Shields, on the right, if you could
12 bring up page 8, please. Zoom in on the photo.

13 Q. Is the building at 68 Lexington Avenue in the map on the
14 left?

15 A. Yes.

16 Q. When was this armory set up?

17 A. Civil War.

18 Q. Can you describe some of the history, please.

19 A. It is the home to the 69th Irish infantry Regiment that was
20 stood up during the Civil War.

21 Q. Is this armory a battalion headquarters?

22 A. It's a battalion headquarters.

23 Q. What does that mean?

24 A. It's -- a battalion is a smaller level of command with
25 several companies that are assigned under it.

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Psoinos - Direct

1 Q. About how many service members are at this armory on a
2 typical day?

3 A. The same, about 700, a little over.

4 Q. You mentioned the 69th infantry regiment is based at this
5 armory?

6 A. Yes.

7 Q. About how many members are there in the 69th infantry
8 regiment?

9 A. Again, it's a large regiment spread over the state, but in
10 this facility, it's about 700.

11 Q. Has that regiment deployed to wars abroad?

12 A. Yes, ever since the Civil War.

13 Q. What are some of the ways that this armory is used today?

14 A. Similar to the Harlem armory, it's the day-to-day
15 administrative duties of the unit. The commander's
16 representatives, they conduct their training plans, they make
17 sure the soldiers are paid, that they're promoted, that they
18 have the proper schools, that they're prepared to mobilize for
19 either national defense or domestic operations.

20 Q. Are you familiar with the term "joint operations center"?

21 A. Yes.

22 Q. What does that mean?

23 A. A joint operations center, it's a term that we use for a
24 command control, a cell where the operations are conducted, and
25 directed out of, and coordinated, and synchronized. The

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Psoinos - Direct

1 commander doesn't normally stay there; the commander has a
2 staff that's designated to run the operations.

3 Q. How is a joint operations center used in connection with an
4 emergency response?

5 A. Normally, an emergency operations center, which is a JOC
6 that's only stood up at the time of an emergency when we need
7 it, and that's where the information comes into, the
8 communications are all tied into there, it's all synchronized,
9 and it's shared with the other liaisons to the activities.
10 It's complex, but it's basically the fusion cell for the
11 command of the operation.

12 Q. It's where the leadership gathers during an emergency
13 response?

14 A. It's where all the operations are coordinated. It's the
15 commander's operation center.

16 Q. You used the acronym JOC. Is that joint operations center?

17 A. Yes.

18 Q. Is there a JOC, a joint operations center, at this armory?

19 MR. SCHACHT: Objection.

20 THE WITNESS: There is --

21 THE COURT: Just a minute.

22 MR. SCHACHT: Could we have a brief sidebar, your
23 Honor?

24 THE COURT: Let me ask a few preliminary questions.

25 Is JOC an acronym or a person?

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Psoinos - Direct

1 THE WITNESS: An acronym, your Honor.

2 THE COURT: What does it stand for?

3 THE WITNESS: Joint operations center.

4 THE COURT: And the joint operations center is located
5 where?

6 THE WITNESS: We have a state one at the state
7 headquarters in Albany that's 24/7. We have a temporary one at
8 the Lexington Avenue armory, which we refer to as emergency
9 operations center.

10 THE COURT: Is that the 69th Regiment Armory?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: Objection overruled.

13 MR. SCHACHT: May I have a sidebar, your Honor?

14 THE COURT: No.

15 BY MR. BOVE:

16 Q. Is there equipment stored at this armory?

17 A. Yes. The same as the Harlem armory.

18 Q. Does that include weapons?

19 A. Yes.

20 Q. And other military gear?

21 A. Yes.

22 Q. About how many people are at this armory on a typical day?

23 A. Around 60.

24 Q. Are there drills conducted at this facility?

25 A. Yes.

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Psoinos - Direct

1 Q. About how many people participate in those drills?

2 A. It could be upwards of 700.

3 Q. Are you familiar with Joint Task Force Empire Shield?

4 A. Yes.

5 Q. What is Empire Shield?

6 A. Joint Task Force Empire Shield was stood up on 9/11 and
7 remains functioning. It is a state active duty force, so
8 instead of answering the call to the president, they're
9 answering the call to the governor, and they augment the law
10 enforcement agencies in the city -- the NYPD, the PAPD, and the
11 MTPD -- MTAPD -- in their critical infrastructure roles. So
12 they are additional force for the police to use to secure those
13 sites.

14 Q. Do personnel from the armories you just described
15 participate in Empire Shield?

16 A. Some do. The units -- the personnel are drawn from those
17 units from their weekend staff. The traditional Guardsmen,
18 they refer to as an M-Day. So they only do one week a month.

19 Q. About how many service members in total participate in
20 Empire Shield?

21 A. They're authorized to 750, and they're usually just below
22 750. Sometimes they go over if they need to surge for an
23 incident.

24 THE COURT: Is this a good time to break for lunch, or
25 do you have a few more questions on this point?

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Psoinos - Direct

1 MR. BOVE: I have about ten minutes more, Judge.

2 THE COURT: Why don't we break for lunch now.

3 MR. BOVE: Thank you.

4 THE COURT: Members of the jury, close your books,
5 give them to Ms. Jones on the way out. Don't discuss the
6 testimony. We'll come back at 2:15.

7 (Continued on next page)

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Psoinos - Direct

1 (Jury not present)

2 THE COURT: You're excused.

3 THE WITNESS: Thank you, your Honor.

4 (Witness temporarily excused)

5 MR. SCHACHT: Judge, can I, very briefly, make a
6 record, or I can do it after lunch?

7 THE COURT: Sure. Everybody sit.

8 Counsel.

9 MR. SCHACHT: Two things:

10 Number one, what I was objecting to during the
11 examination is with the exception, maybe, of the Empire Shield
12 material, almost every single question and answer was in the
13 present tense, and I don't think what the buildings are used
14 for today has any relevance because my client has been in jail
15 for two years, and the indictment covers 2002 to 2015. So
16 whatever they're used for today is simply not relevant.

17 THE COURT: Mr. Bove, when Mr. Psoinos comes back,
18 please ask him if what he's saying about today was also true as
19 to the period that Mr. Schacht mentions.

20 MR. BOVE: I'm happy to do that, Judge. Thank you.

21 MR. SCHACHT: My second issue, Judge, is in response
22 to Special Agent Battista's testimony where he mentioned having
23 brought with him a proffer agreement that was not used or
24 signed. I know I can't, at this point, relitigate or reopen
25 the suppression hearing, but with the Court's permission, I

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Psoinos - Direct

would like to make a copy of that, that I've been given by the government as a Government Exhibit -- I'm sorry, as a court exhibit, and the reason for that is I think that Agent Battista's testimony and information that I was not aware of at the time of the suppression hearing contradicts, in significant ways, the testimony of Agents Costello and Shannon, inasmuch as they testified in court that they could not or would not be able to present or offer any kind of a proffer agreement, and, here, we have another agent who was going to show, albeit a blank agreement, presumably for the purpose of my client being at some point offered this. And so I think it's a substantial contradiction between what happened -- what was testified to at the suppression hearing.

THE COURT: There's two questions you asked. Number one is can this be made a Court exhibit? The answer is yes. Or you could -- what is stated in the record now? Is it a government exhibit for identification?

MR. SCHACHT: I don't think -- I think it's simply a document that I've been given as 3500 material.

MS. HOULE: That's correct, your Honor.

THE COURT: All right.

So, yes, you can offer it as a Court Exhibit, which will be number 3.

MR. SCHACHT: Thank you. That's my application.

THE COURT: It will be marked as such.

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Psoinos - Direct

1 As to the other points you made, I don't think there's
2 any inconsistency whatever. The -- Special Agent Battista
3 testified that he was bringing a blank form, but he
4 acknowledges, as well, that he had no power to create an
5 agreement, and that makes it quite consistent with the
6 testimony that was brought out at the suppression hearing. I
7 so hold.

8 Let's break for lunch.

9 MS. HOULE: Thank you, your Honor.

10 THE COURT: One more thing I wanted to ask. One
11 minute.

12 (Pause)

13 THE COURT: Mr. Bove, the idea of these armories being
14 military installations, where does that come out in the
15 indictment?

16 MR. BOVE: I'm not sure that it's referenced
17 specifically in the indictment. It is referenced in the
18 complaint --

19 THE COURT: Well, the indictment does reference that
20 what Mr. Kourani did, among other things, was to surveil
21 military installations, and now you're proving that the
22 military installations -- the armories are military
23 installations. You haven't yet proved that they were
24 surveilled by Mr. Kourani, except possibly the 69th.

25 MR. BOVE: There was testimony yesterday, Judge, that

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Psoinos - Direct

1 the defendant admitted to the FBI source that he surveilled
2 both of the locations that Mr. Psoinos is testifying about.

3 THE COURT: So as to them being military
4 installations, I wonder if you would agree, Mr. Schacht, that
5 they are?

6 MR. SCHACHT: I would.

7 THE COURT: You would agree?

8 MR. SCHACHT: I would agree that they're military
9 installations, yes.

10 THE COURT: So do we need any more of this testimony?

11 MR. BOVE: I think we do. And if I could just
12 explain. The relevance of this testimony and the testimony
13 from Mr. Anest before it is that the locations surveilled by
14 the defendant -- and there are four in evidence, 26 Federal
15 Plaza, the Secret Service building across the bridge --

16 THE COURT: I know.

17 MR. BOVE: -- those were not random selections by the
18 defendant or the Islamic Jihad Organization. These are
19 incredibly strategic targets, by this man, in this
20 organization, that, if attacked, when the sleeper cell was
21 activated, if attacked, could cripple not just civilian
22 populations, but the infrastructure of the city to respond to
23 attack.

24 THE COURT: You can continue.

25 MR. BOVE: Thank you.

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Psoinos - Direct

1 THE COURT: Okay. Have a good lunch.

2 MR. SCHACHT: Thank you. You, too.

3 (Luncheon recess)

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Psoinos - Direct

1 AFTERNOON SESSION

2 2:15 p.m.

3 THE COURT: Good afternoon, ladies and gentlemen.

4 Please be seated.

5 Mr. Psoinos, I remind you, you are still under oath.

6 Mr. Bove, you may continue.

7 MR. BOVE: Thank you, judge.

8 BY MR. BOVE:

9 Q. Good afternoon, Mr. Psoinos.

10 Before the lunch break you had started to explain what
11 Empire Shield was. Generally, speaking what is Empire Shield?12 A. It's a state of active duty force comprised of the New York
13 Army and Air National Guard soldiers and airmen that serves
14 under the governor of New York to assist the law enforcement
15 agencies in New York City at the primary transit hubs and the
16 transit notes of transit.17 Q. I think you said before the lunch break that there are
18 personnel from the two armories that you talked about who are
19 assigned to assist with Joint Task Force Empire Shield.20 A. Yes. The troops that they use to fill the ranks of Empire
21 Shield are drawn from the New York Army and Air National Guard
22 units across the state, primarily New York City because of the
23 location. So, the soldiers that would drill on those units on
24 weekend drills with volunteers that fill those force and
25 they're paid by the -- state to serve as Empire Shield

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Psoinos - Direct

1 soldiers, primarily just to assist the police.

2 Q. When was Empire Shield created?

3 A. It was born from 9/11.

4 Q. What do you mean by that?

5 A. The soldiers that responded to 9/11 to Ground Zero, they
6 had a force that was security. They just maintained those
7 soldiers on state active duty after 9/11 to protect the
8 infrastructure for New York City.

9 Q. Before we go further, I have one follow-up question related
10 to the testimony that you gave this morning related those two
11 armory facilities. You described sort of the operations of
12 those facilities and personnel at those facilities, right?

13 A. Yes, sir.

14 Q. You provided some numbers of how they're staffed.

15 THE COURT: Keep your voice up.

16 MR. BOVE: Yes, your Honor.

17 Q. Are the features of those armories similar in all material
18 respects dating back to 2009?

19 A. Yes.

20 Q. Getting back to Empire Shield, what types of things,
21 specifically, did Empire Shield personnel assist with in the
22 city?

23 A. There are additional protection. So, if the law
24 enforcement are engaged in their law enforcement duties, the
25 soldiers there, the airmen are there to provide additional

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Psoinos - Direct

1 security to protect the city and assist the citizens in the
2 transportation areas. So, when the police are involved with
3 the public we'll have our soldiers serve additional security.
4 They don't do police work but they assist the police.

5 THE COURT: What is the Empire Shield?

6 THE WITNESS: Your Honor?

7 THE COURT: What is it?

8 THE WITNESS: It's a volunteer force of soldiers that
9 instead of doing their one weekend a month, they serve
10 full-time in the city from locations, primarily, Fort Hamilton
11 and they go to the airports. They go to the tunnels, the
12 bridges. I'm sure folks have seen them at train stations
13 standing around in uniform. They're a show of force. They're
14 a presence and in the event of an incident they're there to
15 assist the police, mostly to secure the area in case there's
16 additional plots or activity that the police are not focused
17 on.

18 Q. Have Empire Shield personnel assisted law enforcement in
19 connection with recent terrorist attacks?

20 A. The most significant is the Chelsea bomber where we surged
21 additional 250 people and spread them across the city.

22 Q. When you say "surged" what do you mean?

23 A. We add more soldiers. So, we have a primary force of 750
24 Empire Shield folks that are on full-time. That's their
25 full-time job 24 hours a day, seven days a week. In the event

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Psoinos - Direct

1 that there's a large incident the governor can activate more.

2 And what we would do is in the case of Chelsea, we grew from
3 those units again from their part-time force, armed them, brief
4 them and sent them out to work with the police.

5 Q. What did the Empire Shield personnel do in response to that
6 attack?

7 A. They provided more protection where the police were not.

8 Q. Does Empire Shield provide assistance in connection with
9 natural disasters?

10 A. They do. They serve as the Joint Task Force command for
11 New York City. So, if there's a natural disaster say Sandy,
12 snow storms, even tornadoes where there's additional assistance
13 needed by the authorities, that element commands the forces.
14 They'll use their forces, primarily, the QRF, Quick Reaction
15 Force. And then any commands that activate part-time soldiers
16 will fall under their control.

17 Q. Does the National Guard conduct site assessments of their
18 facility?

19 A. We do. We do it from the state level, my office and then
20 the commands below us. So, we have the larger commands, a
21 division. Then we have brigades, battalions at each level
22 they're supposed to perform assessments and inspections on
23 their facilities.

24 Q. So, you participated in site assessments at the armory that
25 you described this morning?

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Psoinos - Direct

1 A. Yes.

2 Q. And what are the basic steps that are taken in the site
3 assessments?

4 A. We have several different security methodologies we use,
5 physical securities, one, how they're locking the building,
6 storing equipment. Then we have an operational security
7 aspect, the op sect. These are protecting information that's
8 not sensitive. That's bits of information that might be
9 available to public to make sure we are not putting out a lot
10 of it where people can add that information, like a jigsaw
11 puzzle, one piece at a time. My piece is the antiterrorism and
12 what we're looking at is the proactive approach to protecting
13 our facility.

14 Q. So, let's focus on that for a minute, the antiterrorism
15 part of the site assessment. What are some of the factors you
16 look at when you do site assessment of a National Guard
17 facilities, looking at the antiterrorism component?

18 A. So, we use a methodology where we do a few different types
19 of assessments. It starts with threat assessment and we're
20 looking at intelligence reporting that we're receiving,
21 everything from methodologies or tactics in what the potential
22 threats are doing overseas that they might actually import here
23 and use it. We look at what regionally, in the northeast.
24 Then we look at New York and New Jersey and particularly, New
25 York City. So, we'll look for a larger view to a very broad

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1 view to a very specific view.

2 After we know what the threats are, who could be the
3 threat known or suspected and what their capable of doing, what
4 tools they use, how much training they have, what their intent
5 is, why they want to hurt us. Then we conduct a vulnerability
6 assessment and we take the perspective of the potential threat,
7 the bad guy and we look at our facility to see if this is a
8 facility we want to attack, is it worth attacking and then what
9 types of vulnerabilities do they have. What would they do if
10 we attack them. How successful would it be and what types of
11 impact it'll have on the organization of the country.

12 After that piece we look at it from a criticality role
13 which is our perspective looking out, how we defend it, knowing
14 what our facility, what our mission is, what our assets are,
15 how critical the operation is to domestic and national defense.
16 Then we'll take a good hard look around the facilities, their
17 programs, policies, how they do business and try to identify
18 security gaps and vulnerabilities. Then we'll make
19 recommendations to them and the senior leaders so that they can
20 apply resources that are available to protect that.

21 We take that information and then we finish it with a
22 risk assessment which gives us courses of action and
23 countermeasures to mitigate the risk to less the consequences.
24 We can't get rid of everything but we can lessen the risk.

25 Q. When you are doing that kind of analysis do you rely at all

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Psoinos - Direct

1 on open information, things available on the internet.

2 A. It's the very first step that we do before we assess a
3 facility.

4 Q. Why do you look at what's available on the internet as a
5 starting point?

6 A. To see what information is out there that people can see.

7 It also preps us to where to focus our efforts when we are
8 doing our assessment, particularly, vulnerability. If anybody
9 look at that there, then we can go and look at it on the ground
10 and see if there is going to be a gap in security that can be
11 exploited by a threat.

12 Q. You mentioned one of the steps you take during an
13 antiterrorism assessment involves an analysis of a threat; is
14 that right?

15 A. Yes.

16 Q. Is one of the threats that you evaluate with respect to the
17 two armories that you talked about this morning, the threat of
18 state sponsored terrorism?

19 A. Yes.

20 Q. What is state sponsored terrorism?

21 A. I think the best way I can explain it is you have the
22 backing of a formal government. You have more available to
23 resources, whether it be training materials. You, the
24 individuals have a higher level of skill sets. So, if they
25 actually intend to hit a target, they're more capable. It's

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Psoinos - Direct

1 more likely a lot more complex and coordinated and the end
2 state is it serves the purpose of the state that's sponsoring
3 them.

4 Q. What are some of the examples of sources of state sponsored
5 terrorism?

6 A. The two biggest examples now are Iran and North Korea.

7 Q. You said one of the things you look at when you thinking
8 about state sponsored terrorism is the difference of capability
9 of that level of threat; is that correct?

10 A. Yes.

11 Q. Do you also look at the types of strategies that are more
12 likely deployed by the state sponsored terrorist threat?

13 A. In that, do you mean the purpose, one being more strategic
14 and one being less?

15 Q. I'm just asking, is there a particular type of strategy
16 that you associate with state sponsored terrorists?

17 A. State sponsored from our perspective would be more severe.

18 It's directed. It's not somebody who is in the basement
19 reading online who's got grievance and grudges. This is
20 somebody who's -- this is a threat that instead of hitting a
21 large group of people in Times Square where they would cause a
22 lot of chaos and harm, there's more of a purpose behind what
23 they're targeting. Critical infrastructure would be one of
24 those things. How bad would it hurt them if we hit several
25 nodes of critical infrastructure? Will it stop business? Will

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Psoinos - Direct

1 it cause them to be -- from economy to transportation. Will it
2 hurt the mission or the asset will compromise it?

3 Q. Are you familiar with the term "preoperational
4 surveillance"?

5 A. Yes.

6 Q. What is that?

7 A. It's part of attack operations. It's once you identify a
8 target you apply resources to it and you conduct surveillance
9 and observation of that person or that facility over a period
10 of time to determine behaviors, patterns and the strength and
11 weaknesses of a facility or a person.

12 Q. And what, if any, role can open source information play in
13 preoperational surveillance?

14 A. It narrows the target. It narrows the target from a large
15 pool. You can determine just by the location whether it's
16 going to be more relevant or less relevant. You can compare it
17 to other targets instead of picking one randomly.

18 Q. Let's focus on the two armories you've described. What
19 types of information could be obtained through preoperational
20 surveillance at those facilities?

21 A. Those two facilities are pretty open view to the public.
22 Walking by everyday you wouldn't really notice much. But if
23 someone was looking, they would see the times that it's in
24 operation, when people are coming and going, how many people
25 are coming and going, how the security is handled, what

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Psoinos - Direct

1 doorways are used, what measures are put in place to defeat or
2 deter a terrorist or an attack.

3 And additionally, the uniforms people wear, the
4 symbols that they have, the insignias on the uniform could also
5 offer out key personnel in the leadership and identify people.

6 Q. You mentioned uniforms. How does the identification of
7 uniforms present a risk related to preoperational surveillance?

8 A. We refer to a obscure breach or a covert breach. Somebody
9 dresses as a soldier and they're able to bypass the security
10 because they look like them. They're wearing the uniform
11 similar.

12 Q. Does the National Guard use the term "command" and
13 "control" with respect to these two armories?

14 A. It does.

15 Q. What does that mean?

16 A. Command and control, it's kind of a simple term that's hard
17 to explain. It's the person in charge, the leader, that's
18 where the leader operates out of. And then the control is the
19 operational piece of how they direct their forces and conduct
20 business.

21 Q. And how would an attack that compromised operations at one
22 or both of these armories impact the function of the National
23 Guard?

24 A. It would severely degrade our domestic operations, our
25 civil support operations.

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Psoinos - Cross

1 Q. When you say "severely degrade", what do you mean?

2 A. It would make it very difficult. We wouldn't be able to do
3 our job.

4 MR. BOVE: Nothing further.

5 THE COURT: Cross-examination, Mr. Schact?

6 CROSS-EXAMINATION

7 BY MR. SCHACHT:

8 Q. Good afternoon, sir.

9 A. Sir.

10 Q. You mentioned that as part of your job you check open
11 sources to see what information is available to the public
12 about the two armories that we've discussed; is that right?

13 A. Yes, sir.

14 Q. And one of the armories, I think -- is it the 69th Armory
15 that has a famous bar inside of it?

16 A. Yes.

17 Q. What's the history of that bar inside the armory?

18 A. The 69th Infantry Regiment is the home of the Irish
19 Regiment. So, it has a strong Irish community. Veterans of
20 the 69th infantry regiment, members of the association, they
21 have an Irish bar. There's actually three of them in there.
22 One is more open to the members than the others.

23 Q. And when you look up the armory on the Internet -- let me
24 back up.

25 Have you looked up the armory on internet?

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Psoinos - Cross

1 A. Yes.

2 Q. And did you discover that the main thing that's known by
3 the open source is that it's got these famous bars inside?

4 A. Yes.

5 Q. It doesn't talk about any of this preparation for
6 antiterrorism on the internet, right?

7 A. No.

8 Q. It talks about, its got these beautiful historic bars; is
9 that fair to say?

10 A. Yes.

11 Q. Have you heard of the organization called "Hezbollah"?

12 A. Yes.

13 Q. And you know that to be a foreign terrorist organization;
14 is that right?

15 A. Yes, sir.

16 Q. And as part of your preparations, as part of your work, I
17 assume based on what you've said, am I correct that you
18 evaluate different foreign terrorist organizations; is that
19 right?

20 A. Yes.

21 Q. And you know from your work then that in the history of
22 Hezbollah, they have never once attacked within the continental
23 United States; you know that, right?

24 A. Yes.

25 MR. SCHACHT: I have no other questions.

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Psoinos - Redirect

1 MR. BOVE: Very brief again.

2 REDIRECT EXAMINATION

3 BY MR. BOVE:

4 Q. Mr. Psoinos, you were just asked some questions about your
5 assessment of the threat?

6 A. Yes.

7 Q. Posed by Hezbollah?

8 MR. SCHACHT: Objection.

9 THE COURT: Just ask the questions. Objection is
10 sustained.

11 Q. I'd like to focus on the time period from 2009 until 2015.
12 How would you assess during that timeframe the threat posed by
13 Hezbollah and Iran?

14 MR. SCHACHT: Objection.

15 THE COURT: The witness has not been asked any of
16 these questions and he is not here as an expert on the subject.

17 MR. BOVE: Your Honor, Mr. Schact just asked him about
18 his assessment of --

19 MR. SCHACHT: Judge, I object to this.

20 THE COURT: Sustained.

21 MR. BOVE: Nothing further, judge.

22 THE COURT: Mr. Psoinos, the fact that Hezbollah has
23 never attacked within the United States, which you said you
24 agree.

25 THE WITNESS: Yes, your Honor.

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King - Direct

1 THE COURT: Does that mean it won't attack in the
2 future.

3 THE WITNESS: No, absolutely not.

4 THE COURT: OK. Thank you very much.

5 You are excused.

6 THE WITNESS: Oh, I'm sorry.

7 THE COURT: You're excused? You want to hang around?

8 THE WITNESS: No. I'm sorry, your Honor. I'm not
9 familiar with this whole process other than the TV shows.

10 THE COURT: Now you do.

11 THE WITNESS: Intimidated me.

12 MS. HOULE: Your Honor, the government calls Officer
13 Gregory King.

14 THE COURT: Members of the jury, we're going to go
15 till about 4:15/4:30 today.

16 GREGORY KING ,

17 called as a witness by the Government,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. HOULE:

21 Q. Good afternoon, Officer King.

22 Where do you work?

23 A. Homeland Security Investigations.

24 Q. How long have you worked for Homeland Security
25 Investigations?

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King - Direct

1 A. Since 2009.

2 Q. Where in the government does Homeland Security
3 investigations sit?

4 A. It sits under the Department of Homeland Security.

5 Q. When you first joined Homeland Security Investigations,
6 were you assigned to any particular group?

7 A. Yes. I was assigned to the Human Smuggling Squad.

8 Q. How long did you work in the Human Smuggling Squad?

9 A. Until 2015.

10 Q. What did you do in 2015?

11 A. I was reassigned to the Joint Terrorism Task Force here in
12 New York.

13 Q. What is the Joint Terrorism Task Force?

14 A. It's a task force investigative body of multiple agencies
15 to conduct counterterrorism investigations.

16 THE COURT: Slow up.

17 THE WITNESS: Yes, sir.

18 Q. And on the Joint Terrorism Task Force, were you assigned to
19 any particular squad?

20 A. Yes.

21 Q. Which squad?

22 A. CT-9.

23 Q. What's the focus of CT-9?

24 A. The focus is Lebanese Hezbollah.

25 THE COURT: CT-9.

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King - Direct

1 THE WITNESS: Yes, sir.

2 Q. Do you still work on CT-9?

3 A. I do not.

4 Q. Are you currently assigned to a post within Homeland
5 Security's National Security Division?

6 A. Yes, I am.

7 Q. When did you begin that post?

8 A. 2018.

9 Q. Do you know a man named "Ali Kourani"?

10 A. Yes, I do.

11 Q. Do you see him here in the courtroom today?

12 A. Yes, I do.

13 Q. Could you identify him based on where he is sitting and a
14 piece of clothing he is wearing?

15 A. Sitting over there in a red shirt.

16 MS. HOULE: Your Honor, may the record reflect that
17 the witness has identified the defendant?

18 THE COURT: Yes.

19 Q. Directing your attention to April 18, 2015, did you observe
20 the defendant on that day?

21 A. "September"?

22 Q. September 18; excuse me.

23 A. Yes, I did.

24 Q. Where was that?

25 A. Terminal One, JFK airport.

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King - Direct

1 Q. Why was the defendant at JFK airport that day?

2 A. The defendant was flying in from Beirut, Lebanon.

3 Q. Why were you there that day?

4 A. I was there to conduct a secondary examination of the
5 defendant.

6 Q. What's a secondary examination?

7 A. It's an enhanced screening of travelers entering the United
8 States.

9 Q. Why was the defendant subjected to additional screening
10 that day?

11 MR. SCHACHT: Objection.

12 THE COURT: Overruled.

13 A. Because he was under investigation by the Joint Terrorism
14 Task Force.

15 Q. Was the defendant interviewed as part of that secondary
16 examination?

17 A. Yes, he was.

18 Q. Were you present for that interview?

19 A. No, I was not.

20 Q. Why not?

21 A. I was conducting -- the secondary examination had multiple
22 moving parts. So, I was coordinating all of those parts. And
23 secondly, the defendant had been secondary before by uniformed
24 CBP personnel and I didn't want to be in the room because we
25 didn't want the defendant to know he was under FBI

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King - Direct

1 investigation.

2 Q. When you say "CBP" what are you referring to?

3 A. That is Customs and Border Protection.

4 Q. So, at this point, had the defendant been told by the FBI
5 that he was under investigation?

6 A. No, he had not.

7 Q. During this secondary examination, was there any inspection
8 of the defendant's luggage?

9 A. Yes, there was.

10 Q. Did you observe that?

11 A. No, I did not.

12 Q. In connection with the secondary examination, was the
13 defendant's phone inspected?

14 A. Yes, it was.

15 Q. Were you present for that?

16 A. I was.

17 Q. In connection with that inspection of the defendant's
18 phone, did you observe anything about his phone?

19 A. Yes. We noticed that the SIM card was missing from his
20 phone.

21 Q. What is a SIM card?

22 A. SIM card is basically a computer chip that allows a user to
23 connect to a particular cellular network.

24 Q. And can a SIM card be used to store data?

25 A. Yes, it can.

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King - Direct

1 Q. Was the defendant carrying any travel documents at the time
2 of the secondary inspection?

3 A. Yes, he was.

4 Q. Did that include a U.S. passport?

5 A. Yes, it did.

6 Q. Were there copies made of the defendant's passport and any
7 other travel documents?

8 A. Yes.

9 Q. Is that typical for a secondary examination?

10 A. Yes, it is.

11 Q. Was the defendant's person searched, as well?

12 A. Yes, it was.

13 Q. So, were you present when the copies of the defendant's
14 passport were made?

15 A. Yes, I was.

16 Q. What did you observe?

17 A. When the CBP officer placed the passport down on the copy
18 machine and pressed down on the top of the passport to get a
19 clear copy, he noticed that there was something under the
20 baggage claim sticker.

21 Q. What happened next?

22 A. At that point we peeled back the baggage claim sticker and
23 under that was a SIM card.

24 Q. Did you document that discovery?

25 A. Yes, I did.

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King - Direct

1 Q. I am showing you what's in evidence as Government Exhibit
2 804.

3 MS. HOULE: Ms. Shields, if you could pull that up
4 please and turn to page two.

5 (Pause)

6 Q. Officer, what is shown here?

7 A. That is the SIM card as we observed it under the baggage
8 claim sticker.

9 Q. Did you take this photograph?

10 A. Yes, I did.

11 MS. HOULE: Ms. Shields, could you turn to the first
12 page, please.

13 (Pause)

14 Q. What is shown here?

15 A. That is the same SIM card, just a clearer picture of the
16 SIM card number.

17 Q. Did you remove the SIM card from underneath the bag and
18 sticker to take this picture?

19 A. Yes, I did.

20 Q. What did the CBP officer do with that SIM card after you
21 discovered it?

22 A. He placed the SIM card back under the baggage claim sticker
23 and reaffixed the stick to the back of the passport.

24 Q. Why did he do that?

25 A. Because we did not want the defendant to know that we had

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King - Direct

1 found the SIM card that had been secreted behind the baggage
2 claim sticker.

3 Q. Does CBP have the ability to download the contents of a SIM
4 card?

5 A. Yes, they do.

6 Q. Was that done here?

7 A. No, it was not.

8 Q. Why not?

9 A. We were operating under time constraints. We wanted, like
10 I said earlier, we did not want the defendant to know that he
11 was under investigation by the FBI. So we wanted to make the
12 secondary process as seamless as possible. The equipment that
13 we would require to copy the SIM card was not located in that
14 terminal. So, it would have taken in my estimation too long to
15 get that equipment to copy the SIM card.

16 Q. In hindsight, what's your view of that decision not to have
17 the SIM card downloaded?

18 A. If I had to do it all over again, I would have taken the
19 time to copy that SIM card.

20 Q. Was the defendant's passport returned to him following that
21 inspection?

22 A. Yes, it was.

23 Q. Was he asked any questions about the SIM card under the
24 baggage claim sticker?

25 A. No, not to my knowledge.

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King - Cross

1 Q. You said that the screening involved a search of the
2 defendant's person, his luggage and his electronics; is that
3 right?

4 A. That's correct.

5 Q. Was any other SIM card found?

6 A. No. It was not.

7 MS. HOULE: No further questions, your Honor.

8 THE COURT: Mr. Schact?

9 CROSS-EXAMINATION

10 BY MR. SCHACHT:

11 Q. If you know what kind of data gets stored on a SIM card?

12 A. Could store contacts and there is a potential to store
13 other types of media.

14 Q. Doesn't it store most of what's on everybody's cellphone,
15 that's the storage device for what's on your cellphone?

16 A. I think you can store, yes, and some of what's on
17 somebody's cellphone, yeah.

18 Q. Do you know how long it takes to copy what's on a SIM card
19 to a computer or some otherwise?

20 A. I do not. I think a lot of that depends on how much media
21 is on that SIM card.

22 Q. Would you agree with me that it can be done in a matter of
23 minutes?

24 A. Potentially.

25 Q. Do you recall that on the day that my client had the

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Hansen - Direct

1 secondary search that you participated in that he was kept
2 waiting for about three hours? Do you recall that?

3 A. I don't recall how long he was kept waiting, no.

4 Q. Well, do you recall that it was hours that he was kept
5 waiting but do you recall that it was hours?

6 A. It could have been hours.

7 MR. SCHACHT: I have no other questions.

8 THE COURT: Anything more?

9 MS. HOULE: No. Thank you, your Honor.

10 THE COURT: Thank you very much, Mr. King. You are
11 excused.

12 Next witness.

13 MR. BOVE: Your Honor, the government calls
14 John Hansen.

15 THE COURT: Come on up, sir.

16 JOHN HANSEN,

17 called as a witness by the Government,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. BOVE:

21 Q. Mr. Hansen, where do you work?

22 A. I work at U.S. Citizenship and Immigration Services.

23 Q. Is that sometimes called CIS?

24 A. Yes.

25 Q. When did you start working at Citizenship and Immigration

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Hansen - Direct

1 Services or CIS?

2 A. In October of 2005.

3 THE COURT: Keep your voice up, sir.

4 THE WITNESS: In October of 2005.

5 Q. What did you do before you started to work at CIS?

6 A. I was a contractor for CIS and Legacy INS before that.

7 Q. You just used the term "Legacy".

8 A. I was a contractor for USCIS and Legacy INS Immigration and
9 Naturalization Service before that.

10 Q. When you use that term "Legacy" with respect to the
11 Immigration and Naturalization Service, what do you mean?

12 A. INS was dissolved in 2005 when Homeland Security was
13 enacted and our functions turned over to USCIS.

14 Q. Is CIS now part of Department of Homeland Security?

15 A. Yes, it is.

16 Q. When did you start working at INS? When did you begin your
17 career in this?

18 A. In April 199.

19 Q. What are the titles that you have held at CIS and INS?

20 A. I was a contractor general office worker until 2005, when I
21 became district communications officer, and then that position
22 changed in title to immigration services officer. I was
23 promoted in 2009 to a senior immigration services officer and
24 in September of 2014 I became the district training officer for
25 New York.

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Hansen - Direct

1 Q. What types of things did you do as an immigration services
2 officer?

3 A. I would interview cases in which people were seeking
4 benefits from USCIS.

5 Q. You mentioned that you were promoted to become the district
6 training officer for New York?

7 A. Yes.

8 Q. What region -- how does CIS define New York?

9 A. We cover New York City, Brooklyn, the Brooklyn field
10 office, the Queens field office and Long Island field office.

11 Q. And what are some of the things that you do as a district
12 training officer?

13 A. Prepare training materials, train officers on the different
14 work assignments. We train on law officer policies, procedures
15 regulations.

16 Q. Do you coordinate trainings that relate to immigrant visas?

17 A. Yes.

18 Q. What about the naturalization process?

19 A. Yes, I do.

20 MR. BOVE: Your Honor, I have a stipulation to offer
21 at this point.

22 THE COURT: OK.

23 MR. BOVE: It's marked as Government Exhibit 1010.

24 Ladies and gentlemen, this is another one of these
25 agreements between the government and the defendant.

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Hansen - Direct

1 THE COURT: Mr. Bove, you need to keep your voice up
2 and not drop the last words of your sentence.

3 MR. BOVE: I apologize, judge.

4 THE COURT: The jury I'm sure can hear you but the
5 judge can't.

6 MR. BOVE: I'm sorry.

7 This is another one of these agreements between the
8 government and the defense and this relates to documents
9 maintained by CIS where Mr. Hansen works. So, we are going to
10 you through those documents today but the point of the
11 agreement in this stipulation is that they're official records
12 of CIS and therefore, admissible at this trial.

13 THE COURT: You move their admissibility?

14 MR. BOVE: I do, your Honor.

15 THE COURT: Motion granted.

16 MR. BOVE: So, the exhibits are 604 through 612 and
17 615 through 621, as well as the stipulation which is 1010.

18 MR. SCHACHT: No objection.

19 THE COURT: Received.

20 (Government's Exhibits 604-612, 615-621 and 1010
21 received in evidence)

22 Q. Mr. Hansen, what is an immigrant visa?

23 A. An immigrant visa is permission to enter the United States
24 and live here permanently.

25 Q. Generally speaking, who is eligible for an immigrant visa?

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1 A. In order found to be eligible you need to have a sponsor
2 which is typically a family member or a business.

3 Q. Can a sponsor sometimes be one's spouse?

4 A. Yes.

5 Q. How does one go about applying for an immigrant visa?

6 A. They would file form I130.

7 Q. Is that a petition?

8 A. A petition for alien relative, yes.

9 Q. We'll look at one of those petitions in a minute. But
10 before we do, how does the Department of Homeland Security and
11 CIS maintain records relating to applications like this?

12 A. We keep "A" files with a unique number issued to one person
13 and those numbers are never reused.

14 Q. And so then applications by that particular person are
15 maintained in the file forever?

16 A. Forever, yes.

17 MR. BOVE: Ms. Shields, could you bring up Government
18 Exhibit 616.

19 Q. Mr. Hansen, I'd like to start by directing your attention
20 to the top right of the exhibit. What is the title of this
21 document?

22 A. Petition for alien relative.

23 Q. Is this one of those petitions you mentioned a moment ago?

24 A. Yes.

25 Q. What is a petition for alien relative?

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1 A. This would be for a family based petition, someone who is
2 applying for their spouse, child or perhaps their brother and
3 sibling.

4 THE COURT: This is one of the permissible categories
5 of admitting the person to citizenship in the United States.

6 THE WITNESS: To be a lawful permanent resident.

7 THE COURT: Tell us about the categories, how you come
8 into the United States.

9 THE WITNESS: Depending on who is petitioned for you
10 you get a different code. In this instance this is an IR2.
11 So, when we look at that we know it is an immediate relative of
12 a U.S. citizen, a child.

13 Q. I'd like you to focus on the top right again.

14 MR. BOVE: Ms. Shields, if you could zoom-in.

15 Q. What does this stamp indicate?

16 A. This indicates that the form was received in the
17 Information Unit of 26 Federal Plaza.

18 Q. On what date?

19 A. July 5, 2001.

20 MR. BOVE: Now, Ms. Shields, if we could look at Parts
21 A, B and C of this document.

22 (Pause)

23 Q. Mr. Hansen, let's start with Part B, who is listed as the
24 petitioner here?

25 A. Wanda Reyes.

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1 MR. BOVE: If could you highlight that.

2 Q. Now, on the right side of the screen who is listed as the
3 alien relative?

4 A. Mohammad Ali Kourani.

5 MR. BOVE: Highlight that please, Ms. Shields.

6 Q. And in Part C, it's a little bit faint but there's a blue
7 vertical stamp; do you see that?

8 A. Yes.

9 MR. BOVE: Ms. Shields, if could you zoom-in on that a
10 little bit.

11 (Pause)

12 Q. What does this stamp indicate?

13 A. This is indicating the petition was received in the
14 mailroom of 26 Federal Plaza on April 30, 2001.

15 Q. Is there any significance to that date as it relates to an
16 application for an immigrant visa?

17 A. Yes. The law changed as of May 1, 2001, where someone who
18 is seeking to become a permanent resident would have needed to
19 enter the country lawfully.

20 Q. So, on or before April 30, 2001, the alien relative could
21 have entered the United States illegally?

22 A. The spouse of the U.S. citizen could have, yes.

23 MR. BOVE: Ms. Shields, could you could zoom-in on
24 Parts B and C.

25 (Pause)

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1 Q. Mr. Hansen, what's the current address listed for Mohammad
2 Ali Kourani?

3 A. 3811 220th Street, Bayside, New York 11361.

4 Q. If you could take a look at that left side of the screen,
5 how does that compare to the address listed for Wanda Yvette
6 Reyes?

7 A. It is the same.

8 Q. Focus on Part A in the top left, what is the purported
9 relationship between Ms. Reyes and Mohammad Ali Kourani?

10 A. Husband and wife.

11 MR. BOVE: If we could now take a look at Government
12 Exhibit 615.

13 (Pause)

14 Q. Let's start again in the top right, Mr. Hansen. What is
15 the title of this document?

16 A. Form I485 application to register permanent resident or
17 adjust status.

18 Q. What is this type of document used for?

19 A. This would be for someone who is living in the United
20 States. It can be filed at the same time as the I130 in order
21 to adjust status and become a permanent resident.

22 MR. BOVE: Could you please zoom-in on part one of
23 this document.

24 (Pause)

25 Q. Mr. Hansen, who is listed as the applicant here?

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1 A. Mohammad Ali Kourani.

2 MR. BOVE: And now if we could look at page two please
3 and zoom-in on Part B. I'm sorry. Part Three.

4 (Pause)

5 Q. Mr. Hansen, what is red pen on a CIS document indicate?

6 A. Those are the notes made by the officer during the
7 interview.

8 Q. And has that been a standard practice of CIS and INS before
9 dating back to 2000?

10 A. Yes.

11 Q. What is indicated in this part of the application?

12 A. This is background information on the applicants, tells us
13 where they're from, their parents' names, how they entered the
14 country and if they received a visa, at what consulate.

15 MR. BOVE: Ms. Shields, could you please highlight the
16 question on the right that asks "in what status did you last
17 enter".

18 Q. Do you see that, Mr. Hansen?

19 A. Yes.

20 Q. There's an acronym there "EWI"?

21 A. Yes. That's usually stands for "entered without
22 inspection".

23 THE COURT: What does that mean?

24 THE WITNESS: That they crossed the border usually
25 without seeing someone from Border Patrol or Customs and Border

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1 patrol. So they were not inspected by a government official.

2 Q. Would that have been a lawful entry?

3 A. No.

4 Q. Today can someone be eligible for an immigrant visa despite
5 entering without inspection, EWI?

6 A. No.

7 Q. But I think you said that that was possible prior to May 1,
8 2001?

9 A. Yes.

10 MR. BOVE: Now could you please zoom-in on Section B
11 of this exhibit.

12 (Pause)

13 Q. So this is red pen again?

14 A. Yes.

15 Q. That indicates that it came from the interviewer?

16 A. Correct.

17 Q. Who is listed as the last child on the screen here?

18 A. Ali Kourani.

19 MR. BOVE: Ms. Shields, you could highlight that
20 please.

21 (Pause)

22 Q. Why is this listed in red pen?

23 A. It was not completed by the applicant when the form was
24 submitted. It was disclosed during the interview.

25 Q. Now, if we could take a look at page three please. So,

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1 there's a series of questions on this page. Do you see that?

2 A. Yes.

3 Q. Then there are some red marks over certain of the answers?

4 A. Yes.

5 Q. What do those red marks indicate?

6 A. That these questions were asked and answered and how they
7 are answered.

8 Q. When you say "asked and answered", asked and answered when?

9 A. During the interview.

10 MR. BOVE: Ms. Shields, could you please zoom-in on
11 Question Four.

12 (Pause)

13 MR. BOVE: And if you could highlight the term
14 "terrorist activity" at the end of the question.

15 (Pause)

16 Q. Mr. Hansen, Question Four asks about assistance and
17 material support to any person in the organization involved in,
18 quote, any other form of terrorist activity; do you see that?

19 A. Yes.

20 Q. If someone had provided assistance to Hezbollah, would that
21 person have been eligible for an immigrant visa in 2001?

22 A. No.

23 Q. How was the Question Number Four on the screen answered
24 here?

25 A. It was answered "no".

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1 THE COURT: Who is the person answering; is that Wanda
2 Reyes?

3 THE WITNESS: Mohammad Kourani.

4 MR. BOVE: If we could go back please to page one of
5 this exhibit, Ms. Shields, and zoom-in on the box in the right
6 titled "for INS use only".

7 Q. There's another vertical blue stamp here. What does that
8 indicate?

9 A. That this form was filed with 26 Federal Plaza on April 30,
10 2001.

11 Q. Now, is supporting documentation typically submitted in
12 connection with an application like this?

13 A. Yes. Generally, they submit proof of relationship and
14 basic eligibility.

15 Q. Here the relationship at you issue is one of marriage?

16 A. Correct.

17 MR. BOVE: Let's start with Government Exhibit 617,
18 please, Ms. Shields.

19 Q. Mr. Hansen, is this a document that was submitted in
20 connection with the application for an immigrant visa by
21 Mohammad Kourani?

22 A. Yes.

23 Q. And this looks like it's in Arabic?

24 A. Correct.

25 Q. What is the practice of CIS and INS before it with respect

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1 to foreign language documents?

2 A. The petitioner or applicant would have to submit a
3 certified translated copy.

4 MR. BOVE: Can we please take a look at page two of
5 this exhibit.

6 (Pause)

7 Q. Mr. Hansen, what does this purport to be?

8 A. A divorce certificate.

9 Q. Who is listed as the divorcee?

10 A. Mohammad Kourani.

11 MR. BOVE: If you could highlight that please.

12 (Pause)

13 Q. Who is listed as divorcee?

14 A. Hana Kourani.

15 MR. BOVE: Ms. Shields, could you please highlight the
16 entry titled "place and date of divorce".

17 (Pause)

18 Q. Mr. Hansen, what is the date listed on this document?

19 A. February 17, 2001.

20 MR. BOVE: If you could move this to the left, please,
21 and on the right side of the screen bring up Government Exhibit
22 618.

23 (Pause)

24 Q. Mr. Hansen, what is Government Exhibit 618?

25 A. A certificate of marriage between Wanda Reyes and Mohammad

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1 Kourani.

2 Q. What is the date on this certificate?

3 A. April 27, 2001.

4 MR. BOVE: Could you please highlight that date.

5 (Pause)

6 Q. Mr. Hansen, do applicants for immigration benefit like this
7 and immigrant visa sometimes include photographs?

8 A. Yes.

9 Q. For what purpose?

10 A. As proof of the relationship.

11 MR. BOVE: Ms. shields, if you could please publish
12 now in the main window Government Exhibit 619.13 Q. Is this is page one of a series of photos submitted in
14 connection with the application?

15 A. Yes.

16 MR. BOVE: If could you bring up page two please.

17 (Pause)

18 MR. BOVE: And page three.

19 (Pause)

20 MR. BOVE: Thank you. You can take that down.

21 (Pause)

22 Q. Mr. Hansen, in the case of a petition and an immigrant who
23 are both in the United States at the time that the application
24 is submitted, where is the application typically processed?

25 A. At the local office having jurisdiction over the place

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1 where they live.

2 Q. Based on the way the process worked in 2001 and when this
3 application was submitted what, if anything, happened after the
4 documents were first sent in?

5 A. They would have been received in the mail room and then
6 sent to the information room to be processed for the fee and
7 then the background checks would be run and then the applicant
8 and petitioner would be scheduled for the interview.

9 MR. BOVE: Can we take a look at Government Exhibit
10 616 please.

11 (Pause)

12 MR. BOVE: And zoom-in on the block below the title.

13 Q. Mr. Hansen, do you see where it says "action stamp"?

14 A. Yes.

15 Q. What is indicated there?

16 A. That the petition was denied.

17 MR. BOVE: Can you zoom-in on the handwriting please.

18 THE COURT: When was the petition submitted again?

19 THE WITNESS: April of 2001. I don't remember the
20 exact date.

21 MR. BOVE: Zoom-out, please, Ms. Shield.

22 THE COURT: It was submitted April 1, 2001 and denied
23 when?

24 MR. BOVE: Zoom-in on that pen, please.

25 THE WITNESS: Looks like March 2, 2004.

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1 MR. BOVE: Thank you.

2 Ms. Shields, could you please bring up Government
3 Exhibit 620 now and zoom-in on the top half of the page first
4 and highlight the respondent name.

5 Q. Mr. Hansen, what is this?

6 A. This is an order of an immigration judge.

7 Q. With respect to whom?

8 A. For Mohammad Ali Kourani.

9 Q. What is indicated in the part of the order that is on the
10 screen here?

11 A. That Mohammad Kourani did not contest his deport-ability
12 and requested to be allowed to leave the country voluntarily.

13 Q. By what date was he required to leave?

14 A. May 7, 2005.

15 MR. BOVE: Now zoom-in on the bottom of the order so
16 we could see the date.

17 Q. Mr. Hansen, when was this order issued?

18 A. January 7, 2005.

19 MR. BOVE: Now, I'd like to pause and take a look at
20 some travel records. If you could move this part of Government
21 Exhibit 620 to the top of the screen and bring up Government
22 Exhibit 602 on the bottom.

23 (Pause)

24 MR. BOVE: Please highlight the travel name.

25 Q. So, that says Mohammad Kourani?

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1 A. Yes.

2 MR. BOVE: And if you could highlight the encounter
3 date.

4 Q. What's date only the document?

5 A. April 25, 2005.

6 MR. BOVE: If you could please highlight the departure
7 location and the arrival location.

8 (Pause)

9 Q. So, this document lists a departure from JFK?

10 A. Yes.

11 Q. On April 25, 2005?

12 A. Yes.

13 MR. BOVE: Let's take a look at Government Exhibit
14 621.

15 (Pause)

16 Q. What is the title of this document?

17 A. I131, application for travel document.

18 Q. What is this application used for?

19 A. This application is used to apply for a refugee travel
20 document, or an advanced parole document or re-entry permit.

21 Q. What's an advanced parole?

22 A. An advanced parole is when someone is inside the United
23 States, they do not have legal status and they would like
24 advanced permission to return.

25 Q. Directing your attention to the stamp just below the title

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1 of the document. When was this application received?

2 A. February 14, 2007.

3 MR. BOVE: Could you zoom-in on Part One of this
4 exhibit.

5 (Pause)

6 Q. What's the name of the applicant listed, Mr. Hansen?

7 A. Kassem Mohammad Kourani.

8 MR. BOVE: Could you please highlight the name.

9 Q. What is listed as the country of birth?

10 A. Lebanon.

11 MR. BOVE: Could you please move this part of the
12 exhibit up to the top and in the bottom bring up Government
13 Exhibit 227 and zoom-in on the card.

14 Q. You see the name listed on the employment authorization
15 card on the bottom of the screen?

16 A. Yes.

17 Q. That the same name as listed on application?

18 A. Yes, it is.

19 MR. BOVE: Now, Ms. Shields, in the main window, I'd
20 like to take a look at Part Two in the bottom half of the
21 document. If you could highlight subparagraph D.

22 Q. What does this indicate?

23 A. That Mr. Kourani was applying for advance parole document
24 to return to the United States after temporary foreign travel.

25 MR. BOVE: Let's take a look at page two, please and

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1 zoom-in if you could on Parts Three and Four.

2 (Pause)

3 Q. Directing your attention to the top of the screen, what
4 does this part of the document say about Kassem Kourani's
5 requested travel date?

6 A. He would like to leave as soon as possible for
7 approximately one month.

8 Q. And then if you could look at the bottom of the screen,
9 what did the applicant say about the purpose of the proposed
10 travel?

11 A. He says that his mother is ill.

12 MR. BOVE: Could you please bring up Page Three and
13 zoom-in on Parts Eight and Nine.

14 (Pause)

15 Q. Could you tell from this part of the document when the
16 application was submitted?

17 A. I can tell when it was completed. It was completed on
18 February 2, 2007.

19 MR. BOVE: If you go back to Page One and zoom-in on
20 the top section above Part One.

21 Q. Can you tell from this part of the document what the result
22 of application was?

23 A. Yes. It was denied on February 23, 2007.

24 MR. BOVE: If you can move this part of the exhibit to
25 the top and the bottom, we are going to look at travel records

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1 relating to Kassem Kourani. This is Government Exhibit 603.
2 And zoom-in on the record and the legend, please.

3 (Pause)

4 MR. BOVE: Highlight the travel name in the top row
5 and then the date/time.

6 Q. Did you see that October 4, 2009?

7 A. Yes.

8 MR. BOVE: Could you please highlight the outbound
9 indication.

10 (Pause)

11 Q. So, there is an "O" in that part of the record; do you see
12 that?

13 A. Yes.

14 Q. Do you see the departure location on the far right?

15 A. Yes.

16 Q. Does that say "JFK"?

17 A. It does.

18 MR. BOVE: Thank you, Ms. Shields.

19 THE COURT: Let me understand this document.

20 MR. BOVE: Yes, your Honor.

21 THE COURT: This is a document for Kassem Kourani
22 dated October 4, 2009 to do what?

23 MR. BOVE: This is a document reflecting --

24 MR. SCHACHT: Withdrawn. I mean, "objection".

25 THE COURT: I am asking the witness.

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1 THE WITNESS: This is showing that Kassem Kourani left
2 the country. The "O" indicates an outbound entry into the
3 system.

4 THE COURT: He left the country on Newark
5 International Airport.

6 THE WITNESS: No. At JFK.

7 THE COURT: I'm looking at the bottom. I see JFD is
8 on the right but going to Brussels.

9 THE WITNESS: Correct.

10 THE COURT: What's the point Newark? He comes back
11 the next month.

12 THE WITNESS: That was in 2002.

13 THE COURT: Explain this document. What's happening?

14 THE WITNESS: So, the first line, the top line is when
15 he left the country. He left JFK and headed to Dubai. The
16 first line --

17 THE COURT: Dubai is -- where do you see Dubai?

18 THE WITNESS: D-X-B. The first line is when he
19 arrived in United States he came from Brussels to Newark
20 International Airport.

21 THE COURT: So he lived here for seven years.

22 THE WITNESS: Yes.

23 MR. BOVE: Thank you, judge.

24 Ms. Shields, if you could take that down, I'd like to
25 look at another submission by Wanda Reyes. This one is marked

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1 Government Exhibit 604. Could you bring that up please and
2 zoom-in on the top of the document.

3 Q. When was this petition filed?

4 A. December 31, 2001.

5 MR. BOVE: Ms. Shields, could you zoom-in now on Parts
6 A, B and C.

7 Q. In Part B who is listed as the petitioner?

8 A. Wanda Kourani, formerly Reyes.

9 MR. BOVE: Highlight the name in Question One and then
10 the last name "Reyes" in question 7.

11 (Pause)

12 Q. Now, please take a look at Part C. Who is listed as the
13 alien relative?

14 A. Ali Kourani.

15 MR. BOVE: If you could please highlight that.

16 (Pause)

17 Q. Take a look please at Question Two in Part C. What is
18 listed as the defendant's residence?

19 A. Yater, Lebanon.

20 MR. BOVE: If could you highlight that please.

21 (Pause)

22 Q. Finally, if you could focus on Part A of the document. In
23 this petition what is indicated about the relationship between
24 Ali Kourani, the defendant and Wanda Reyes?

25 A. Wanda Reyes is claiming to be the stepmother of Ali

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1 Kourani.

2 MR. BOVE: Could you please turn to Page Four and
3 highlight the title of the document.

4 Q. Do you see where it says "certificate of birth"?

5 A. Yes.

6 Q. Is this is a document that was submitted in connection with
7 the application by Ali Kourani for --

8 A. Yes. This was submitted with the I130.

9 Q. Who is listed as the child?

10 A. Ali Kourani.

11 Q. Who is listed as the father?

12 A. Mohammad Kourani.

13 MR. BOVE: Ms. Shields, if you could highlight that.

14 (Pause)

15 Q. Who is listed as the mother?

16 A. Hana Kourani.

17 MR. BOVE: Could you highlight that please,
18 Ms. Shields.

19 (Pause)

20 MR. BOVE: Now, if we go back to page one please and
21 zoom-in again on top and I'd like to focus for a minute on the
22 stamp that says "approved".

23 Q. What's indicated by that stamp, Mr. Hansen?

24 A. That's the petition for alien relative was approved by the
25 Vermont Service Center on January 11, 202.

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1 Q. In the bottom left of this stamp there are the letters
2 V-S-C. What does that stand for?

3 A. The Vermont Service Center.

4 Q. When this documents was filed in late 2001, what was the
5 next step in the process following approval of the petition at
6 the Vermont Service Center?

7 A. The INS would forward the approved petition to the National
8 Visa Center under the Department of State.

9 MR. BOVE: Could you please bring up Government
10 Exhibit 605.

11 Q. Mr. Hansen, as much as you can read from the top of the
12 title of the document, what is this?

13 A. An affidavit of support under Section 213A of the act.

14 Q. What is the purpose of an affidavit of support?

15 A. To show that the petitioner has the financial means to
16 support the beneficiary.

17 MR. BOVE: If you could bring up page nine please.

18 (Pause)

19 MR. BOVE: Zoom-in on Parts Five and Six.

20 (Pause)

21 Q. Who signed this document?

22 A. Wanda Reyes Kourani and Mohammad Kourani.

23 Q. What are the dates listed by those signatures?

24 A. July 7, 2003.

25 MR. BOVE: If could you could highlight those dates

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1 please.

2 (Pause)

3 MR. BOVE: Now, I'd like to take a look at Part Three
4 on Page One if you could zoom-in on that.

5 Q. Who is listed in this part of the affidavit as the
6 sponsored --

7 A. Ali Kourani.

8 MR. BOVE: Now, Ms. Shields, if you could zoom-in on
9 the box of this page labeled "for agency use only".

10 Thank you.

11 Q. What is indicated on the screen there?

12 A. That the affidavit meets the requirements of Section 213A.

13 Q. And on what date was that the determination made according
14 to the author?

15 A. July 15, 2003.

16 MR. BOVE: Could we take at look at 606 now and start
17 by zooming-in from the top of the document through Question One
18 and get the title as well, please. Thank you.

19 Q. What is this?

20 A. This is the application for immigrant visa and alien
21 registration.

22 Q. What is this document used for?

23 A. This would be the application filed for the immigrant visa
24 for permission to enter the United States.

25 Q. Who is listed as the applicant here?

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1 A. Ali Kourani.

2 MR. BOVE: If you could highlight the warning.

3 Q. So, this says warning, any false statement or concealment
4 of a material fact may result in your permanent exclusion from
5 the United.

6 States. Do you see that?

7 A. Yes.

8 Q. Why is that warning included on this application?

9 A. So, the applicant is aware of the consequences of not being
10 truthful.

11 MR. BOVE: Ms. Shield, if you bring up Page Four
12 please of this exhibit and please remain on the bottom section
13 of the document, and if you could highlight the signature block
14 that says "signature of applicant".

15 (Pause)

16 Q. Mr. Hansen, when was this application submitted?

17 A. On July 15, 2003.

18 Q. Can you tell from this part of the document where the
19 application was submitted?

20 A. At the U.S. Consulate in Cyprus.

21 MR. BOVE: Let's take a look at Page Three now please,
22 and if you could zoom-in on the instructions and the warning on
23 the top of the page.

24 (Pause)

25 Q. There's another warning on this page of the exhibit; do you

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1 see that?

2 A. Yes.

3 Q. The second sentence says even if you are issued an
4 immigrant visa and are subsequently admitted to the United
5 States providing false information on this form could be
6 grounds for your prosecution and/or deportation.

7 Do you see that

8 A. Yes?

9 MR. BOVE: Could you highlight that part of the
10 document.

11 Q. Why is there a second warning at this point in the
12 application?

13 A. To stress the importance of it and to make sure the
14 applicant knows that even if they are allowed in they would be
15 considered not lawfully admitted to the United States if they
16 lied on this form.

17 MR. BOVE: Zoom-out, please, Ms. Shields.

18 Q. There's a series of questions on this page that follow the
19 warning. Do you see that?

20 A. Yes.

21 MR. BOVE: Let's zoom-in on Question 30C. If you
22 could zoom-out a little bit to see the introductory language at
23 top of the box.

24 Q. So, the introduction and the questions at the top of the
25 screen where the number 30 is and this question when you looked

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1 down at 30C indicates that a person is ineligible for a visa if
2 he, quote, is a member or representative of terrorist
3 organization as currently designated by the U.S. Secretary of
4 State.

5 Do you see that?

6 A. Yes.

7 MR. BOVE: Could you please move this part to the left
8 and bring up page two of Government Exhibit 1001 on the right
9 and zoom-in on paragraph three.

10 Ladies and gentlemen, Government Exhibit 1001 is a
11 stipulation that was introduced during the testimony of Dr.
12 Levitt and it includes that language indicating that Hezbollah
13 was designated as a foreign terrorist organization by the
14 Secretary of State in 1997.

15 Ms. Shields, if you could bring 606.

16 THE COURT: Do you want me to receive that or have I
17 already done that?

18 MR. BOVE: You've already done that, your Honor.
19 Thank you.

20 If we can go back to 606 at page three and we are
21 going stay focused on Question 30C.

22 Q. Mr. Hansen, in 2003 were current members of Hezbollah
23 eligible to receive immigrant visas into the United States?

24 A. No.

25 Q. And what would have happened if an applicant disclosed in

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1 this application that he was a current member of the Hezbollah?

2 A. The application would have been denied.

3 MR. BOVE: Ms. Shields, let's take a look at
4 Government Exhibit 607.

5 Q. Mr. Hansen, what is this?

6 A. This is the immigrant visa.

7 MR. BOVE: Ms. Shields, if you could please zoom-in on
8 the top third of this exhibit.

9 (Pause)

10 Q. Who was this visa issued to?

11 A. Ali Kourani.

12 MR. BOVE: Highlight that name in the top left. Now,
13 let's take a look at the immigrant classification in the bottom
14 right of the document and zoom-in on the bottom right of the
15 document.

16 Q. What does this part of Government Exhibit 607 indicate
17 about when the visa was issued?

18 A. It was issued on July 16, 2003.

19 MR. BOVE: Zoom-in now on the box with the red stamp
20 on the top left.

21 Q. What does this indicate?

22 A. That the Ali Kourani was admitted to JFK airport on
23 July 30, 2003 as an IR2, child of U.S. citizen.

24 Q. After the defendant was admitted to the United States in
25 2003 using this visa, did he have any immigration status in

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1 United States?

2 A. He was a permanent resident.

3 Q. Is that sometimes referred to as having a Green Card?

4 A. Yes.

5 MR. BOVE: Could you bring up page 12 of Government
6 Exhibit 608 and zoom-in on the card.

7 Q. What is this Mr. Hansen.

8 A. This is Ali Kourani's permanent resident card.

9 Q. You said that after entering the United States in 2003 the
10 defendant had this status as a permanent resident?

11 A. Yes.

12 Q. Is it possible after obtaining that status and becoming a
13 United States citizen?

14 A. Yes. Typically after five years a lawful permanent
15 resident could apply for citizenship.

16 MR. BOVE: Take a look at Government Exhibit 608
17 please and bring up page two.

18 Q. Starting as we have with the top right, what is this
19 document?

20 A. Application for naturalization.

21 MR. BOVE: Zoom-in from the top to Section A.

22 Q. Who is the applicant?

23 A. Ali Kourani.

24 Q. I'd look to focus for a minute on 2008. Could you please
25 describe what the process was like for seeking a naturalization

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1 as a U.S. citizen?

2 A. The form would have been submitted to Vermont Service
3 Center. They would have processed the fee and initiated the
4 background checks. Once the background checks were completed,
5 application would be sent with the "A" file to the local office
6 for interview.

7 MR. BOVE: Zoom back out please. There are some red
8 marks on this document as well. We see some of them on Page
9 One.

10 Q. What does that indicate.

11 A. Those are the marks of the interviewing officer during the
12 interview.

13 MR. BOVE: Bring up page 11 of this document and
14 please zoom-in on part 11 up at the 207. And if you could
15 highlight the text that begins "I certify". The first sentence
16 here says I certify under penalties of perjury under the laws
17 of the United States of America that this application and the
18 evidence submitted with it are all true and correct.

19 Q. Do you see that, Mr. Hansen?

20 A. Yes.

21 Q. Why is that included in this application for
22 naturalization?

23 A. Because this is a legal form and the questions asked are
24 about eligibility for a benefit before the government.

25 Q. Why does CIS need truthful information in response to

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1 questions in this application?

2 A. In order to make the right decision.

3 MR. BOVE: Please bring up page eight of the document.
4 There are a series of questions here in this part of the
5 application. I'd like to focus on Question Nine and the
6 subparts, and if you could highlight Subpart C.

7 Q. So, Mr. Hansen, here the question is, have you ever been a
8 member of or in any way associated either directly or
9 indirectly with a terrorist organization. Do you see that?

10 A. Yes.

11 Q. Why is that question asked in a naturalization application?

12 A. To check for good moral character and to make sure that the
13 applicant has been lawfully admitted to the United States.

14 Q. You just used a term "good moral character"?

15 A. Yeah.

16 Q. Is that a statutory term?

17 A. Yes.

18 Q. CIS has to apply when making these naturalization
19 decisions?

20 A. Yes.

21 Q. How is Question 9C answered in this document?

22 A. "No".

23 Q. What does that red mark over the answer mean?

24 A. It means that the officer specifically asked that question
25 and the answer was "no".

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1 Q. In 2008 would a current member of Hezbollah providing
2 material support to that foreign terrorist organization have
3 been eligible for naturalization?

4 A. No.

5 MR. BOVE: Ms. Shields, could you please bring up page
6 nine of the exhibit and if you could zoom-in from the top of
7 the page down to Question 15.

8 Q. And focusing on Question 15 this asks, have you ever
9 committed a crime or offense for which you were not arrested.
10 Do you see that?

11 A. Yes.

12 Q. Why is that question asked?

13 A. To give the applicant an opportunity to tell us the truth
14 about any crimes that they may have committed.

15 Q. Here the answer on the application is "no".

16 A. Correct.

17 Q. Again, what does the red mark indicate?

18 A. That the question was asked during the interview and
19 answered "no".

20 Q. In 2008 what would have happened if the applicant answered
21 "yes" to this question and disclosed participation in federal
22 crimes of terrorism?

23 A. The case would have been denied.

24 Q. The application would have been denied.

25 A. Yes.

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1 Q. Is the same true, if the answer to this question was "yes"
2 and federal firearms offenses were disclosed --

3 A. Yes.

4 MR. BOVE: Ms. Shields, zoom back out please and now
5 I'd like to focus on the bottom page, Questions 23 and 24.

6 Q. Let's start with 23. This one says, have you ever given
7 false or misleading information to any U.S. Government official
8 while applying for any immigration benefit or to prevent
9 deportation, exclusion or removal? Do you see that?

10 A. Yes.

11 Q. This question's answer was "no" in this application?

12 A. Correct.

13 Q. There's another red mark?

14 A. Yes.

15 Q. Is that the same meaning as you described?

16 A. Yes.

17 Q. Is an immigrant visa like the one that the defendant
18 obtained in 2003 considered an immigration benefit?

19 A. It is.

20 Q. For purposes of this question?

21 A. Yes.

22 Q. So what, if anything, would happen if a naturalization
23 applicant answered "yes" to this question and explain that he
24 failed to disclose membership in Hezbollah in a prior
25 application for an immigrant visa?

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1 A. The application would be denied on the grounds that the
2 applicant was not lawfully admitted.

3 Q. Not lawfully admitted in connection with that prior visa
4 application?

5 A. Correct.

6 Q. Now, let's take a look at Question 24. This one reads:

7 Have you ever lied to any U.S. Government official to
8 gain entry or admission into United States; do you see that?

9 A. Yes.

10 Q. And they answer here is "no" with another red mark?

11 A. Correct.

12 Q. What, if anything, would have happened if the applicant
13 answered this question "yes" and disclosed that he had not told
14 U.S. officials when entering or exiting the United States prior
15 to submitting the application that he was a member of
16 Hezbollah?

17 A. The application would have been denied for not being
18 lawfully admitted.

19 MR. BOVE: Ms. Shields, could you please publish page
20 24 of Government Exhibit 208.

21 (Pause)

22 Q. This looks like an envelope that contained the application?

23 A. Yes.

24 MR. BOVE: Ms. Shields, rotate the exhibit clockwise
25 to start.

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1 (Pause)

2 MR. BOVE: And zoom-in to the postage stamp on the
3 right.

4 Q. What's the postmark date for this application?

5 A. August 19, 2008.

6 MR. BOVE: Zoom-in to the received stamp on the bottom
7 left.

8 Q. What does this mean?

9 A. The mail was received on August 22, 2008 by the Vermont
10 Service Center.11 Q. Now, in 2008 when this was submitted to the Vermont Service
12 Center, what were the steps that CIS took to track and maintain
13 an application like this?14 A. The application issued is a receipt number and placed in a
15 file called a receipt file and it is housed in the receipt file
16 until the "A" file can, will be received by the office and then
17 combined together.18 Q. So, I think you mentioned the "A" file concept in the
19 beginning of your testimony?

20 A. Yes.

21 Q. That's the file that contains all prior immigration
22 applications submitted by a particular person?

23 A. Yes.

24 Q. So, basically the first step is getting the "A" file from
25 some storage facility so that the application for

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1 naturalization can be placed in it?

2 THE COURT: Can I see counsel for a minute.

3 (Continued on next page)

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1 (side bar)

2 THE COURT: Some of the jurors are nodding off.
3 You're going too fast and without structure as evidence. And
4 I'm afraid that the jurors are not able to follow you with
5 this. I don't know what to suggest or not. One of the reasons
6 I've just called this conference was to wake up the jurors.
7 We'll go to about 4:15.

8 I would like to summarize the critical dates or have
9 you or both of you do the critical dates. There's a lot of
10 different moving parts here. There's a father and mother,
11 Mohammad Ali and the son, Ali, and the mother is Hana and the
12 stepmother is Wanda. It would be good to have all these dates,
13 unless you object, cause it is kind of a summation at this
14 point.

15 MR. SCHACHT: Judge, I mean obviously, I know the case
16 so I know what he is proving. I think he'll make it clear in
17 summation. The point is just that --

18 THE COURT: Well, they are just nodding off now
19 because this is too many dates and disparate details being
20 elicited and I'd like to have them know. Neither of you want
21 to do it, I'll do it. But the next time because I want to be
22 sure I'm right.

23 MR. BOVE: I think it's an excellent idea and
24 appreciate that the side bar. What I would propose, judge, is
25 we had anticipated calling Ms. Shields on Monday morning to

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1 present another, a different type of summary chart, and what we
2 could do this weekend is prepare a summary chart relating to
3 key dates of this application.

4 THE COURT: OK. But make sure that Mr. Schact sees
5 it.

6 MR. BOVE: Of course.

7 MR. SCHACHT: He gives me everything.

8 MR. BOVE: I will. Right now I'll work as quickly as
9 I can to get just the records into evidence.

10 THE COURT: OK. Just go ahead.

11 MR. BOVE: Appreciate the suggestion. Thank you.

12 (Continued on next page)

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1 (In open court)

2 THE COURT: Members of the jury, this is hard to
3 follow because there's a lot of details that's being pulled
4 together for a number of different individuals and the names
5 are not so different that we can readily distinguish them.
6 Mr. Bove is going to continue eliciting the facts. But on
7 Monday there'll be a summary chart that will show you the dates
8 and events of what happened so you'll be able to understand
9 this. I know how difficult this is.

10 We are going break in another half hour or so. If you
11 need a break now, we can break and come back. I've noticed
12 that a number of you have been finding it hard to continue
13 being tentative.

14 Do you want to stretch?

15 (Pause)

16 THE COURT: Go ahead, Mr. Bove.

17 MR. BOVE: Thank you, judge.

18 Q. Mr. Hansen, before that break we were talking about the way
19 that a naturalization application would be stored in the alien
20 file.

21 A. Yes.

22 MR. BOVE: So, what I would like to do right now is
23 talk a little bit about the physical location of the
24 defendant's file.

25 So, Ms. Shields, if you could bring up Government

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1 Exhibit 612 please and zoom-in on the row that says "general
2 inquiry".

3 Q. What is this document?

4 A. This is a printout from our natural file tracking system
5 and it's showing where the "A" file is currently located.

6 MR. BOVE: If you could move this to the left and
7 bring up page two of Government's 608 on the right, and zoom-in
8 on the top right corner.

9 Q. How does this "A" number on the right compare to the one on
10 the far left?

11 A. They are the same.

12 Q. Is that the file number that you've been talking about?

13 A. Yes.

14 THE COURT: This number is the number for what?

15 THE WITNESS: That is the "A" number that identifies
16 Ali Kourani.

17 THE COURT: That's his number.

18 THE WITNESS: His number.

19 THE COURT: Just like a Social Security number is
20 unique to a person, his immigration is number is unique.

21 THE WITNESS: Correct.

22 THE COURT: Where ever the record is made, whether it
23 be in Oshkosh, Iowa or Beirut, Lebanon or New York City, the
24 same number is attached.

25 THE WITNESS: Correct.

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1 THE COURT: And it's stored nationally.

2 THE WITNESS: It is.

3 THE COURT: So, it could be accessed in any particular
4 place where Homeland Security operates.

5 THE WITNESS: Yes, it can.

6 THE COURT: OK. So that's the purpose of that number.

7 THE WITNESS: Yes.

8 THE COURT: We seen different documents today. All of
9 these are documents that are administered by the Immigration
10 and Naturalization Service, right?

11 THE WITNESS: Yes.

12 THE COURT: And we've talked about an application for
13 citizenship, right?

14 THE WITNESS: Yes.

15 THE COURT: An application to travel?

16 THE WITNESS: Yes.

17 THE COURT: That is to travel and come back?

18 THE WITNESS: Correct. Permission to return.

19 THE COURT: If you're here and you want to travel
20 without hope of coming back, you don't need permission or do
21 you?

22 THE WITNESS: Depending on your status. U.S. citizens
23 or permanent residents can travel at will.

24 THE COURT: But if you are not a permanent resident
25 and you are not a citizen, you can't get out of the country

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1 unless you get permission.

2 THE WITNESS: You would need permission to return.

3 THE COURT: What are the categories of people? We
4 have citizens, right?

5 THE WITNESS: Yes.

6 THE COURT: And we have permanent, lawful permanent
7 residents?

8 THE WITNESS: Yes.

9 THE COURT: What kind of people are lawful permanent
10 residents and not citizens?

11 THE WITNESS: Lawful permanent residents would be
12 Green Card holders, people who have been granted permanent
13 status in the United States.

14 THE COURT: So, anyone who comes in here with
15 permission --

16 face the jury.

17 Anyone who comes here with permission to stay and live
18 is a lawful permanent resident.

19 THE WITNESS: Certain people would come with a non
20 immigrant visa, which is mission to stay for a specific period
21 of time, such as like a student or a business visa coming just
22 on a temporary basis or a visitor visa, just for temporary
23 basis. So that's the difference between an immigrant and a non
24 immigrant visa.

25 THE COURT: And in order to get these various

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1 permissions, you have to make an application.

2 THE WITNESS: There are certain countries that are on
3 our visa waiver list and they don't need a visa to come to the
4 United States. These are mostly European nations.

5 THE COURT: But to become a lawful permanent resident,
6 one has to make an application.

7 THE WITNESS: Correct.

8 THE COURT: To become a citizen one has to make an
9 application?

10 THE WITNESS: Correct.

11 THE COURT: In that application there are various
12 representations that are made?

13 THE WITNESS: Yes.

14 THE COURT: And if you make a false reputation you can
15 be punished.

16 THE WITNESS: Correct.

17 THE COURT: Including deportation.

18 THE WITNESS: Yes.

19 THE COURT: As to the dates, I think that tells you
20 what we've been doing and as to the dates they'll be in a
21 summary form on Monday. So, I think you'll be able to follow
22 it a little better.

23 MR. BOVE: Thank you, judge.

24 There are just a couple more documents.

25 THE COURT: Try to be louder. As the day goes on,

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1 voices have to be louder and more animated.

2 MR. BOVE: I think you're right, judge. I agree with
3 that.

4 Ms. Shields, could you bring up Government Exhibit 612
5 in the main window please and I'd like to focus on page five.

6 Q. This is a series of entries tracking the location --

7 THE COURT: What is this document? Let's get
8 oriented. What is this document?

9 THE WITNESS: This is a printout from our national
10 file tracking system.

11 THE COURT: A print out of what?

12 THE WITNESS: It shows the history of the "A" file
13 where it was located.

14 THE COURT: It records entries made from whatever
15 place.

16 THE WITNESS: Every time an employee would move, the
17 file it would be scanned in to show the new location.

18 THE COURT: This is a record of where it was scanned
19 in.

20 THE WITNESS: Correct.

21 MR. BOVE: Let's focus on the rows between
22 February 27, 2009 and March 31, 2009.

23 Q. What can you tell from what's on the screen about what
24 happened with the defendant's naturalization application in
25 this timeframe?

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1 A. The file went from the Vermont Service Center, otherwise
2 known as the Eastern Service Center to the New York City
3 district office and the Garden City field office.

4 Q. Where is the New York City district office?

5 A. 26 Federal Plaza, New York, New York 10278.

6 MR. BOVE: Ms. Shields, in the third entry from the
7 bottom, would you please highlight where it says "Section DE".
8 Thank you.

9 Q. What is Section DE, Mr. Hansen?

10 A. That is our data entry section.

11 MR. BOVE: Thank you.

12 Q. Now, I think you said earlier when you were describing the
13 naturalization process, that it also involves an interview; is
14 that right?

15 A. Correct.

16 MR. BOVE: Could you please bring up Government
17 Exhibit 609 and zoom-in on the top section please.

18 Q. What is this document?

19 A. This is the interview notice.

20 THE COURT: I'm sorry?

21 THE WITNESS: The interview notice.

22 MR. BOVE: If you could please highlight the name "Ali
23 Kourani".

24 THE COURT: What happens? The person who wishes to be
25 interviewed receives a notice.

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1 THE WITNESS: Yes. This would tell the person where
2 and when to appear for their interview.

3 THE COURT: Please go on a certain date at a certain
4 time to a certain place where you will be interviewed.

5 THE WITNESS: Correct.

6 Q. Where does this document tell the defendant to come to a
7 certain place and on a certain time?

8 A. Tells the applicant to appear at 711 Stewart Avenue, the
9 Citizenship and Immigration Service Office in Garden City New
10 York.

11 MR. BOVE: Could you highlight the date of the
12 interview below the address block.

13 Q. What was the date scheduled for the interview.

14 A. Wednesday, April 1, 2009.

15 MR. BOVE: Now, if you could bring up on left side of
16 the screen page 11 of Government Exhibit 608.

17 THE COURT: Those of you who don't live in Long Island
18 Garden City, it's a town a bit to the east of the New York City
19 border in Long Island.

20 MR. BOVE: Let's zoom-in please on Part 13.

21 THE COURT: Doesn't have so many gardens. It's just
22 called "Garden City".

23 Q. What's indicated on left side of the screen?

24 A. That the applicant was interviewed by the Immigration
25 Services Officer Diane Lawrence on April 1, 2009.

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1 Q. This is in red pen. What does that mean?

2 A. That it was written by the officer.

3 MR. BOVE: Ms. Shields, in the main window could you
4 please bring up Government Exhibit 610.

5 Q. What is this document?

6 A. This is the Notice of Naturalization Ceremony.

7 Q. What does this indicate?

8 A. That the application was approved and the applicant was
9 scheduled to appear for an oath ceremony on April 15, 2009.

10 MR. BOVE: Ms. Shields, if you could please highlight
11 the top half of the page. Highlight the date of the notice and
12 the date of the interview -- excuse me -- the oath ceremony.

13 Finally, with respect to the naturalization
14 application, let's take look at Government Exhibit 611?

15 THE COURT: Leave this document.

16 So, every Friday morning after this case is over, if
17 you want to see a naturalization ceremony you can come to this
18 court house on the first floor. There are lots of people who
19 are applying for citizenship and their family. An oath is
20 administered by a judge, a little bit of speech is given and
21 then they're then processed to become citizens. We do it once
22 a week.

23 The Eastern District does everyday. And also the
24 immigration offices in different parts of the country do it.
25 This is kind of a ceremony before you become a citizen. You

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1 take an oath and you pledge allegiance to the flag and then you
2 become a citizen.

3 Right?

4 THE WITNESS: Yes.

5 MR. BOVE: Now, the last exhibit we are going to look
6 at on this topic is Government Exhibit 611 please.

7 Q. What is this?

8 A. This is Ali Kourani's Certificate of Naturalization.

9 Q. What is the date that it was issued?

10 A. April 15, 2009.

11 MR. BOVE: Your Honor, I have another stipulation to
12 offer.

13 THE COURT: What date is this?

14 THE WITNESS: April 15, 2009.

15 THE COURT: That's when he became a citizen of the
16 United States?

17 THE WITNESS: Yes.

18 MR. BOVE: Your Honor, I have another stipulation to
19 offer. This one is marked Government Exhibit 1011. It's
20 another agreement between the parties. This one indicates that
21 there are two applications submitted to the Department of State
22 which are marked as Government Exhibits 613 and 614 for which
23 the government and the defense agree that the exhibits 613 and
24 614 are official records of the State Department.

25 THE COURT: As official records, I admit them into

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1 evidence and you could consider them just like all other pieces
2 of evidence.

3 MR. BOVE: Thank you, your Honor.

4 (Government's Exhibits 1011, 613 and 614 received in
5 evidence)

6 MR. BOVE: Ms. Shields, could you please bring up
7 Government Exhibit 613.

8 Q. What is this?

9 A. Application for a U.S. passport.

10 Q. What is the name of the applicant listed?

11 A. Ali Kourani.

12 MR. BOVE: Could you zoom-in on the bottom left please
13 so that we can see the date of the application.

14 Q. Can you read that?

15 A. Yes. It says April 15, 2009.

16 MR. BOVE: Could you zoom-in on the box titled
17 "identifying documents". The box above that please.

18 Q. What is indicated here?

19 A. Ali Kourani produced his Certificate of Naturalization as
20 proof of citizenship.

21 THE COURT: This entitles him to get a passport plus a
22 fee.

23 THE WITNESS: Correct.

24 MR. BOVE: If we could take a look at Government
25 Exhibit 614 and zoom-in on the top.

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1 Q. What is Government Exhibit 614?

2 A. An application for U.S. passport by Ali Kourani.

3 Q. Do you see the box in the red circle?

4 A. Yes. It indicates he is applying for a U.S. passport card?

5 MR. BOVE: Could you please zoom-in on the bottom row.

6 Q. When was this application submitted?

7 A. Looks like April 5, 2013.

8 MR. BOVE: Your Honor, I have nothing further.

9 THE COURT: Mr. Hansen, what's the difference between
10 a passport and a passport card?

11 THE WITNESS: A passport card is usually used for
12 traveling between the western hemisphere between the Caribbean,
13 Mexico, Canada and the United States.

14 THE COURT: If one has a passport, why do you need a
15 passport card?

16 THE WITNESS: Sometimes it's just easier to carry. A
17 passport book would be used for international travels, where a
18 passport card can be used between Canada, United States and
19 Caribbean.

20 THE COURT: How about South American countries?

21 THE WITNESS: I'm not familiar with these countries.

22 THE COURT: So, if someone who has a passport might
23 also have a passport card?

24 THE WITNESS: Yes.

25 THE COURT: Mr. Schact.

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Hansen - Cross

1 MR. SCHACHT: Thank you, your Honor.

2 CROSS-EXAMINATION

3 BY MR. SCHACHT:

4 Q. A few minutes ago we were looking at the documents of
5 Mohammad Ali Kourani, not Ali Kourani; do you recall that?

6 A. Yes.

7 Q. And Mohammad Ali Kourani is the father of Ali Kourani?

8 A. Correct.

9 Q. And according to the exhibits that you reviewed, Mohammad
10 Ali Kourani was denied something in the United States, right?

11 A. Correct.

12 Q. What was he denied?

13 A. He was denied permanent residence.

14 Q. And could you determine from looking at those exhibits in
15 evidence the reason why?

16 A. No, I could not.

17 Q. Having that decision been made is it possible for him to
18 then in some point after the denial be given permission to come
19 into the United States lawfully?

20 A. Depends on the reason for denial, he could potentially
21 return.

22 Q. What would be a reason that he would not be allowed to
23 return?

24 A. If he was denied for marriage fraud, he would be
25 permanently banned from re-entry.

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Hansen - Cross

1 MR. BOVE: When you have a chance, could you please
2 put up Government Exhibit 608. Thank you very much. And if
3 you could flip please to page nine of that exhibit.

4 THE COURT: What is this exhibit. Look at page one
5 for a moment.

6 MR. SCHACHT: You are asking the witness, judge,
7 right, not me?

8 THE COURT: Right. Now I am just looking at it. I'm
9 not familiar with the document. What is this document? Is
10 this a cover letter or what?

11 THE WITNESS: Yes. This is a cover letter for the
12 application for naturalization.

13 THE COURT: OK. And the application follows the cover
14 letter?

15 THE WITNESS: Yes.

16 Q. It looks like the whole exhibit has about 24 pages which is
17 the cover letter plus 23 pages of attachments and exhibits,
18 right?

19 A. Yes.

20 MR. SCHACHT: Will you please turn to page nine and
21 zoom-in on that section in the middle between questions 21 and
22 please. Thank you very much.

23 Q. And in that section my client told the Immigration Service
24 that he had been arrested and eventually pled guilty to an
25 offense, right; isn't that what that indicates?

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Hansen - Cross

1 A. Yes.

2 Q. So, at his interview with I think her name was Diane
3 Lawrence; was that her name, the woman who interviewed him?

4 A. Yes.

5 Q. She would have had the opportunity to ask him about what
6 occurred and why he pled guilty to something, right?

7 A. Yes.

8 Q. And whatever his answers were were satisfactory I assume,
9 is that right, because he was given citizenship?

10 A. Correct.

11 MR. SCHACHT: I have no further questions.

12 Thank you very much.

13 THE COURT: Anything else?

14 MR. BOVE: No, your Honor. Thank you.

15 THE COURT: Thank you very much, Mr. Hansen. You are
16 excused.

17 THE WITNESS: Thank you.

18 THE COURT: Do you have something else today?

19 MS. HOULE: Your Honor, we have another witness ready
20 and your Honor said that you intended to conclude around 4:15.
21 This witness will take longer than that.

22 THE COURT: Can we go off the record and just have a
23 little chat.

24 (Discussion held off the record).

25 THE COURT: Members of the jury, I think the logical

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Hansen - Cross

1 thing now is to break for the weekend. It's four o'clock and
2 rather than having to disrupt the witness, we'll just have the
3 whole witness on Monday. Close up your books and give them to
4 Ms. Jones.

5 We are a making good progress. I'm pleased with the
6 progress and I think you will be also, but there is some more
7 to go before we finish. So, don't discuss the case. Keep an
8 open mind. I'll see you Monday at ten o'clock.

9 (Jury not present)

10 THE COURT: Be seated for a minute.

11 Mr. Bove, I think we could do a little better at
12 getting the jury understanding by starting with a question
13 like, I show you Government Exhibit whatever. Describe the
14 exhibit. Show the exhibit, the first page and then turn to
15 whatever page you want. And then you can elicit from the
16 witness, for example, I want to elicit the dates of this, that
17 and that. So, there could be a better orientation. You are
18 doing this proper form and a lot of judges won't let you do
19 what I would suggest but I think it would be better and a
20 little summarization would be useful for these kinds of facts.

21 MR. BOVE: Thank you, judge. I'll do a better job on
22 Monday.

23 THE COURT: You're doing a very good job but I think
24 it's a better way of keeping the jury's attention.

25 MR. BOVE: I appreciate it.

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Hansen - Cross

1 THE COURT: And we're going to have a little summary
2 chart that deals with all the dates and all the people?

3 MR. BOVE: Yes, your Honor.

4 THE COURT: Great. Have a great weekend.

5 MR. SCHACHT: You too. Thank you, judge.

6 (Adjourned to Monday, May 13, 2019, at ten a.m.)

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